

— — —

James A. Byrne U.S. Courthouse
Via videoconference
July 9, 2020
Commencing at 1:40 p.m.

APPEARANCES:

FOR STATE ATTORNEY GENERAL'S OFFICE - ELM
ATTORNEYS GENERAL BY: W. JOSEPH NIELSEN, ESQUIRE
PLAINTIFFS 55 Elm Street
Hartford, Connecticut 06106
(860) 808-5396
joseph.nielsen@ct.gov

1 APPEARANCES CONTINUED:

2

3 FOR THE DIRECT NASTLAW LLC
PURCHASER BY: DIANNE M. NAST, ESQUIRE
4 PLAINTIFFS PSC, BY: JOSEPH N. RODA, ESQUIRE
END-PAYER 1101 Market Street
5 PLAINTIFFS PSC: Suite 2801
Philadelphia, Pennsylvania 19107
6 (215) 923-9300
dnast@nastlaw.com
7 jnroda@nastlaw.com

8

9 DIRECT ACTION KENNY NACHWALTER, PA
10 PLAINTIFFS LIAISON BY: WILLIAM J. BLECHMAN, ESQUIRE
COUNSEL: 1441 Brickell Avenue
Suite 1100
11 Miami, Florida 33131
(305) 373-1000
12 wblechman@knpa.com

13

14 DEFENSE LIAISON WILSON SONSINI GOODRICH & ROSATI PC
15 COUNSEL: BY: CHUL PAK, ESQUIRE
1301 Avenue of the Americas
40th Floor
16 New York, New York 10019
(212) 999-5800
17 cpak@wsgr.com

18

19 DEFENSE LIAISON WILLIAMS & CONNOLLY LLP
20 COUNSEL: BY: SARAH F. KIRKPATRICK, ESQUIRE
725 Twelfth Street, N.W.
Washington, DC 20005
21 (202) 434-5000
skirkpatrick@wc.com
22

23

24

25

1 APPEARANCES CONTINUED:

2

3 DEFENSE LIAISON TROUTMAN PEPPER HAMILTON SANDERS
4 COUNSEL: LLP
BY: JAN P. LEVINE, ESQUIRE
3000 Two Logan Square
5 Eighteenth and Arch Streets
Philadelphia, Pennsylvania 19103
6 (215) 981-4000
jan.levine@troutman.com
7

8

9 DEFENSE LIAISON KASOWITZ BENSON TORRES LLP
COUNSEL: BY: SHERON KORPUS, ESQUIRE
1633 Broadway
10 New York, New York 10019
(212) 506-1700
11 skorpus@kasowitz.com
12

13 DEFENSE LIAISON KIRKLAND & ELLIS LLP
14 COUNSEL: BY: DEVORA W. ALLON, ESQUIRE
601 Lexington Avenue
New York, New York 10022
15 (212) 446-4800
devora.allon@kirkland.com
16

17
18 FOR THE DEFENDANT TARTER KRINSKY & DROGIN, LLP
EPIC PHARMA, LLC: BY: JING XIA, ESQUIRE
1350 Broadway
19 New York, New York 10018
(221) 216-8000
20 jxia@tarterkrinsky.com
21

22 FOR THE DEFENDANT BY: JAMES A. BACKSTROM, ESQUIRE
23 MARC FALKIN: 1515 Market Street
Suite 1200
Philadelphia, Pennsylvania 19102
24 (215) 864-7797
jabber@backstromlaw.com
25

1 APPEARANCES CONTINUED:

2

3 FOR THE DEFENDANT MORGAN, LEWIS & BOCKIUS LLP
4 GLENMARK BY: STEVEN A. REED, ESQUIRE
5 PHARMACEUTICALS 1701 Market Street
6 INC., USA: Philadelphia, Pennsylvania 19103
(215) 963-5000
steven.reed@morganlewis.com
(via telephone)

7

8 FOR THE INTERVENOR UNITED STATES DEPARTMENT OF JUSTICE
9 UNITED STATES OF BY: THOMAS P. DEMATTEO, ESQUIRE
AMERICA: 450 5th Street, NW
Suite 8700
10 Washington, DC 20530
(202) 598-2942
11 thomas.dematteo@usdoj.gov
(via telephone)

12

13 SPECIAL MASTER: WHITE AND WILLIAMS, LLP
14 BY: DAVID H. MARION, ESQUIRE
15 1800 One Liberty Place
16 1650 Market Street
Philadelphia, Pennsylvania 19103
(215) 864-7000
mariond@whiteandwilliams.com

17

18 SPECIAL MASTER: SCHNADER HARRISON SEGAL & LEWIS
19 BY: BRUCE P. MERENSTEIN, ESQUIRE
20 1600 Market Street
Suite 3600
21 Philadelphia, Pennsylvania 19103
(215) 751-2000
bmerenstein@schnader.com

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES CONTINUED:

SPECIAL MASTER: IDISCOVERY SOLUTIONS
BY: DANIEL L. REGARD, ESQUIRE
3000 K Street, NW
Suite 330
Washington, DC 20007
(202) 249-7877
dan@idsinc.com

- - -

Ann Marie Mitchell, CRR, RDR, RMR
Official Court Reporter
(267) 299-7250

Proceedings taken stenographically and prepared utilizing
computer-aided transcription

1 (Court called to order at 1:40 p.m.)

2 THE COURT: We will start this proceeding. For the
3 stenographer's benefit, it's nice to know when we're actually
4 starting something, so we'll call the status conference for the
5 MDL Generic Pharmaceuticals Pricing Antitrust Litigation to
6 convene.

7 And we would like to address the joint proposed agenda
8 for the July hearing or meeting. I don't think it's an actual
9 hearing until we get to some oral argument later on.

10 So I would like to hear about the status of the
11 revised case management order negotiations.

12 MR. COSTA: Thank you, Your Honor. This is Paul Costa
13 speaking for the plaintiffs.

14 Since our last general status conference in March, the
15 parties have been working very diligently to revise the
16 deadlines in the case management order.

17 As the Court well knows, we are in very uncertain
18 times with COVID-19. And this MDL is fairly complex, and many
19 of the deadlines and issues in the case management order are
20 interrelated. And so what the parties have done is to try to
21 take this one step at a time in stages. And I think thus far
22 that -- I think that has been fairly successful in that we have
23 reached agreement on many issues and are making some good
24 progress.

25 As the Court will recall, we first addressed the

1 deadline for the production of custodial documents. We were
2 able to reach an agreement, and we submitted that as a
3 stipulation to the Court, which was approved in Pretrial Order
4 123. It's my understanding that the Court did receive a full
5 briefing on that at the June leadership conference, so I won't
6 review that in any detail, but we'll only note that it did
7 vacate a number of the deadlines in the case management order
8 that we are now working hard to fill in.

9 We are currently discussing deadlines for the
10 production of privilege logs, for making confidentiality
11 designations and for making clawback requests.

12 Regarding the privilege logs, the parties have reached
13 agreement for service of a series of rolling or incremental
14 privilege logs for the custodial documents that are being
15 withheld or redacted on the basis of attorney-client privilege
16 or as work product.

17 Regarding the confidentiality designations, the
18 parties have also agreed on some revised procedures and
19 deadlines.

20 As the Court may recall, under the initial case
21 management order, PTO 105, the process was that defendants
22 would produce all of their documents under the highest level of
23 protection, outside counsel eyes only, and then had 120 days
24 afterwards to then redesignate them with the appropriate level
25 of protection as called for by the protective order. This was

1 the same process that was found in the AG Access Protocol, PTO
2 70, and that process was incorporated into PTO 105.

3 The parties discussed looking at different approaches
4 to that. Rather than having the defendants make these blanket
5 designations of all their documents and then redesignating
6 them, we talked about three different approaches.

7 And the first approach, which we have agreed on, would
8 have a defendant elect to continue with the procedure in PTO
9 105 but would be given more time in which to redesignate its
10 documents. We agreed on two firm deadlines by which to make
11 those redesignations keyed off of the custodial document
12 production deadline instead of having rolling deadlines that
13 were keyed to each individual production which are going on on
14 a rolling basis.

15 The second approach was that a defendant could elect
16 to make individualized confidentiality designations prior to
17 producing them, prior to producing their documents. So that
18 would mean that a defendant following this approach would have
19 its designations deemed permanent with whatever level of
20 protection was applied at the time of production and then
21 wouldn't have any further obligations during the subsequent
22 120-day period. They would just -- those documents would
23 maintain that level of protection. And this is -- we also have
24 agreed on this approach.

25 We are also currently discussing a third proposed

1 approached for roughly ten defendants who have been applying
2 the confidentiality designations to their documents pursuant to
3 PTO 105 but feel that it's -- it's unduly burdensome for them
4 to perform the individualized review and redesignation process
5 that's currently in place. And the plaintiffs have agreed to
6 discuss those defendants' concerns and explore whether an
7 alternative procedure is workable or acceptable.

8 Turning to the clawbacks, the parties have also
9 negotiated --

10 THE COURT: Before you do --

11 MR. COSTA: Sure.

12 THE COURT: Before you do, Mr. Costa, the initial
13 deadline to try to work out all of these newer updated
14 procedures is September, September 1st, I think.

15 MR. COSTA: Correct.

16 THE COURT: Does it appear to you that the
17 confidential designation in the old way that is perceived to be
18 burdensome pursuant to 105, is that doable? We have six weeks
19 left. Is it likely?

20 MR. COSTA: Well, Your Honor, the parties are
21 continuing to discuss this issue, so I'm not -- I'm a little
22 bit hesitant to comment. And to be frank, I think this is more
23 a question for the defendants in that that's their -- you know,
24 their processes would probably dictate whether that's doable or
25 not.

1 THE COURT: I get that. Yeah, I get that.

2 But I wanted the plaintiffs' perspective on whether or
3 not you thought it could be achieved within that time period.

4 The renovation of these deadlines and these procedures
5 is supposed to come to an end, and I'm just wondering how it's
6 going given anything, pandemic or otherwise.

7 MR. COSTA: Well, I will say that in general, you
8 know, when we presented PTO -- the stipulation that turned into
9 PTO 123, it was our -- it was plaintiffs' sincere hope that the
10 deadlines that were presented to the Court would be firmly met
11 and that we wouldn't have additional delays in moving the case
12 forward.

13 I don't know that the confidentiality designations is
14 necessarily something that is holding up the pace of discovery.
15 It is a complicating issue. I think as the Court well knows,
16 the confidentiality designations limit the parties' abilities
17 to use documents in certain ways and who they can be shared
18 with and so forth. So that I think is an issue that, you know,
19 we are going to continue to discuss with the defendants.

20 If you're asking in the broader sense whether there
21 are concerns about timing, I think there are, from plaintiffs'
22 perspective. But again, that's something that we are engaged
23 in discussions with defendants about. And, you know, as
24 always, we hope to avoid disputes and try to reach
25 accommodations. And, you know, at this time, that's our

1 intention.

2 THE COURT: All right. I think you were going to
3 proceed to the clawback request.

4 Did you have anything that you wanted to add on that?

5 MR. COSTA: Yes. I was just going to summarize what
6 we have agreed on so far.

7 We have agreed on some new procedures and deadlines
8 for defendants to request the clawbacks that they produced from
9 their custodial files under Section 3 of the case management
10 order.

11 We have agreed to eliminate the rolling deadlines that
12 are found in PTO 105 and instead allow defendants to issue
13 clawback requests within 120 days after each of the two
14 document production deadlines that are in PTO 123. This
15 provides the defendants with some additional time in which to
16 seek a clawback. And from an administrative standpoint, it
17 really does reduce confusion and administrative burdens by
18 setting only two deadlines instead of dozens of rolling
19 deadlines.

20 We have also discussed a deadline for plaintiffs'
21 response to those clawback requests, though we have not yet
22 reached agreement. And we have been engaged in discussions
23 with the special masters to resolve this issue. And those
24 discussions are still ongoing under Mr. Marion's supervision.

25 So for these three topics, the privilege logs, the

1 confidentiality designations and the clawbacks, the parties are
2 working on a stipulation to memorialize our agreements. And
3 once we have agreed on appropriate language, we intend to
4 submit that to the Court for your consideration.

5 I do have --

6 SPECIAL MASTER MARION: Your Honor, may I interrupt on
7 the clawbacks, please?

8 THE COURT: Sure.

9 SPECIAL MASTER MARION: I just want to note that this
10 morning I issued an informal recommendation on the dispute that
11 was before me as to when the plaintiffs had to object to
12 clawback requests. And my informal recommendation may be
13 superseded by things that the parties have already agreed to.
14 But basically, in -- one thing that is missing from the -- from
15 the 105, the CMO, was the deadline for when the plaintiffs had
16 to object to clawback requests.

17 And I proposed a -- recommended a proposal that
18 would -- from the date of September 1, the documents produced
19 prior to September 1, the defendants would have 60 days from
20 September 1 to ask for clawbacks as to those documents. And
21 the plaintiffs would have 60 days from those -- these are
22 primarily the first tier custodial documents. They would have
23 60 days from September 1 to object to them. But after that,
24 the clawback request would be on a rolling basis of 45 days
25 from production, and the objections to the clawbacks would be

1 on a rolling basis of 45 dates from receipt of the clawback
2 request.

3 The parties disagreed on that, and I don't know
4 whether they are reaching agreement that will be different from
5 my recommendation, but I was alarmed that under the plaintiffs'
6 proposal, the dates for -- they would have had until April 29,
7 2021, to object to the tier 1 custodial productions and until
8 July 14, 2021 to object to the remaining clawback requests.

9 Without repeating the arguments back and forth, I was
10 kind of alarmed by the distance from today of those two dates.
11 And I thought if we went on a rolling basis, both for
12 presentation of clawback requests and objections thereto, it
13 could be speeded up considerably. And also it would provide a
14 device whereby there would be early decisions on clawback
15 requests and the objections that would guide the parties and
16 reduce the number of objections thereafter as the later
17 documents are produced.

18 So that may or may not be acceptable to the parties,
19 it may or may not be acceptable to the Court, but I thought
20 that was a reasonable compromise. And I also allowed for any
21 party on the defense or plaintiffs' side to show good cause as
22 to why they couldn't meet those deadlines, and we would
23 consider them and be reasonable in granting extensions.

24 And I should also say, and Mr. Regard may elaborate on
25 this, that at present, there are somewhere over 11 million

1 documents already produced and a \$28 million target of
2 documents to be produced by the end of this process under
3 paragraph 3 of PT 105. And I was looking for a way to expedite
4 the closure of the production process so that we can get on to
5 other things.

6 THE COURT: Thank you, Mr. Marion.

7 SPECIAL MASTER MARION: The parties have not had a
8 chance to respond to that at all, but I did want to get it in
9 before this conference.

10 THE COURT: Obviously specifics I'm not going to
11 discuss because you're working on them, but if Master Regard
12 wanted to say anything as Mr. Marion has indicated you may have
13 something else to say about it?

14 SPECIAL MASTER REGARD: No, ma'am, nothing in detail,
15 only that we are ready to work with the plaintiffs and the
16 defendants with any ideas to keep things on track.

17 THE COURT: Thank you. Thank you very much.

18 I'm going to go back to you, Mr. Costa, because I'm
19 not sure you were completely finished.

20 MR. COSTA: I'm almost finished, Your Honor. I just
21 wanted to touch on a handful of additional discussions that are
22 ongoing.

23 We are in the midst of discussing the scope and timing
24 of the production of defendants' sales transaction data and
25 cost information. We recently did seek the assistance of

1 Special Discovery Master Merenstein to address the scope of
2 those productions, and there is a call scheduled for tomorrow.

3 The parties are also discussing the next round of
4 document discovery. As Your Honor knows, the private
5 plaintiffs and the States in the past six months or so did file
6 additional Complaints that added additional drugs and
7 defendants to the MDL. And so the parties have been discussing
8 how to proceed with the next round of discovery to cover those
9 Complaints or those additional drugs and defendants in a fair
10 and efficient way.

11 I will note that the private plaintiffs and the
12 defendants who were added to the MDL since last winter, we have
13 reached an agreement on the timing for defendants -- for those
14 defendants' responses to our document requests and
15 interrogatories and to begin our meet and confer process. And
16 we are -- as far as the discovery relating to the rest of the
17 defendants, we are still discussing those next steps.

18 So that is the update I have for the Court so far on
19 our case management negotiations, and I am happy to address any
20 questions that the Court may have.

21 THE COURT: Thank you. I did pose the question that I
22 had. And maybe there would be another.

23 But I'd like to hear from the defense on this same
24 report. Thank you.

25 MR. COSTA: Thank you, Your Honor.

1 MS. KIRKPATRICK: Good afternoon, Your Honor.

2 THE COURT: Who would like to address this?

3 MS. KIRKPATRICK: I'm sorry, Your Honor. This is
4 Sarah Kirkpatrick for the defendants.

5 THE COURT: Hello.

6 MS. KIRKPATRICK: In addition to all of what Mr. Costa
7 has described, the parties of course have been discussing the
8 discovery to be provided by plaintiffs.

9 In particular, as I think Your Honor knows, the State
10 Attorneys General, their discovery is particularly complicated,
11 and the parties have been engaged in almost weekly discussions
12 about the scope of that discovery. Those discussions are
13 making progress. We're also discussing the timing and the
14 deadlines that will apply to the States' document productions
15 pursuant to PTO 123.

16 The private plaintiffs have been producing documents
17 on a rolling basis and have been making progress.

18 The one note there is that Your Honor has pending
19 before you a dispute about the direct purchaser plaintiffs, the
20 scope of discovery and the search terms that those plaintiffs
21 will have to apply. So the parties are awaiting your ruling on
22 that in order to finalize the scope of private plaintiffs'
23 discovery.

24 THE COURT: Okay. What's the status of the briefing
25 in that?

1 MS. KIRKPATRICK: I believe the briefing was completed
2 I want to say maybe several weeks ago. I'm happy to look up
3 the date for you, but it was a little while ago it was
4 completed.

5 THE COURT: I haven't reviewed that as the package yet
6 with complete briefing, having reviewed it before and it was a
7 topic at at least one other conference. So we will look at
8 that to see if we can assist this in moving along because we
9 know that it's necessary to clarify.

10 MS. KIRKPATRICK: That would be great. Thank you,
11 Your Honor.

12 THE COURT: Thank you. Anyone else on this area?

13 MR. BLECHMAN: Your Honor?

14 THE COURT: Yes.

15 MR. BLECHMAN: Can I just give a reminder to everybody
16 that if you're not speaking to please be on mute. It will cut
17 down the feedback. Thank you.

18 THE COURT: I'm hearing feedback on the telephone
19 connection that I have next to my ear, and I don't know if
20 that's being pick up by the microphone on the video system.

21 MR. BLECHMAN: It's easy to see who's on mute and
22 who's not by looking at the participant list. Everyone should
23 be on mute.

24 THE COURT: Nicole just thinks she muted everybody.
25 Maybe she cut them off. I don't know. But I'm not hearing the

1 clicks anymore in my ear, so maybe that's where it was coming
2 from. Thank you.

3 So no one else on the status of revised case
4 management order negotiations? And if not, we will address the
5 schedules of future meetings, conferences and hearings.

6 And we don't think that this is the summer to take off
7 August, because who is going to the south of France anyway?

8 I'm thinking that we work through. We did miss May.
9 I do think that we need to continue to have meetings to
10 complement the work that you're doing between yourselves and
11 with the masters, and I would prefer to continue and have a
12 status conference in August, which would be August 10th. And
13 that would be leadership. And then in September, I think what
14 is that date? Is that the 8th?

15 I can't seem to find it. Just a moment.

16 September 10th. August 13th perhaps, September 10th,
17 October 8th. At least we could go up two or three more months
18 and then regroup before we schedule definitively for November
19 and December because we may be scheduling oral argument in some
20 of these meetings, and that requires us to give more attention
21 and time to those.

22 So I would ask if there's any strenuous objections to
23 continuing our current format and scheduling. And our next
24 conference, which would be leadership, would be August 13th.

25 Any objections to that?

1 MS. NAST: Your Honor, we've checked the calendar, and
2 there aren't any holidays or anything of concern on the August
3 date.

4 And did you say September 10?

5 THE COURT: Yes.

6 MS. NAST: There is also nothing to conflict with
7 that.

8 We were going to suggest October 8th, but I don't know
9 if you want to go into October yet or not.

10 THE COURT: I don't know why -- yes, I do. I do want
11 to go into October.

12 MS. NAST: That would be a leadership conference? The
13 one in September is all hands on?

14 THE COURT: Yes, yes. And it's my suggestion that we
15 go into October and then hold up perhaps for next time November
16 and December.

17 I don't know what we need to face in the very near
18 future. The pandemic has created many foils for people to
19 follow through in the earnest negotiations and meetings and
20 document discovery, review, et cetera. I know that is a fact.
21 All of us have felt the change in productivity, I think. And
22 while some of us have used this time to learn how to use
23 electronics, some of us have also felt the devastating loss of
24 the personal contact with colleagues and Court. And it was
25 only this week I returned to real live court on Monday. It was

1 joyous and sad at the same time because we all had masks on.
2 And it's difficult to perceive that this must continue into the
3 next coming six months, possibly a year, maybe we're waiting
4 for a vaccine.

5 We're all doing the best we can. And I appreciate all
6 the hard work that everyone does. But there is no case on my
7 docket that is more expansive, comprehensive and needs me than
8 this MDL with all the multitude of cases within it.

9 So I'm looking, as I always do, to you good counsel
10 and our special masters to help me do that, because it is easy
11 to put aside something this complex and say, I'll do it
12 tomorrow. I'm not doing that, even though it's difficult to
13 get things out as quickly as I'd like. But we're working on
14 that.

15 If anything working from home does for you, it
16 eliminates transportation time and gives me a chance to knock
17 off at least ten extra motions a week. And they're big
18 motions, not little ones.

19 I don't know about you, but I found that when we
20 retired to working in our homes, that I ended up working from
21 6:30 or 7:00 in the morning till maybe 10:00, 11:00 at night
22 because it never stops and the emails are always coming. And I
23 began to feel like I was in private practice and there was no
24 turnoff time. So I'm afraid I revolted after a while and said,
25 no new emails after 5:30, but I still take them.

1 And there you go. So we're all trying. And I'm
2 probably trying harder, because I need to try harder. But it's
3 very difficult, I have to tell you. And I'm sorry that I can't
4 figure out a way to make things happen faster. So I'm relying
5 on you to give me the heads up when you see I really am needed
6 to help you do that.

7 We have to discuss soon the bellwether trial system
8 here. And I have questions about not everything in the R&R,
9 which I told you last time we met I was inclined to accept and
10 adopt, but I do want to address that, because it seems to me in
11 MDL court -- and I may be a little philosophical for some of
12 you, but an MDL court has to be the one to try the cases first,
13 whether they be tried in the Eastern District of PA or tried in
14 the home jurisdiction, because that can be arranged. But it's
15 not going to be arranged in the time of a pandemic. One,
16 there's not going to be any jury trials; and two, we're so far
17 from that with all the class certification needs that I don't
18 think we even have to worry about it.

19 But if we are going to spend and target attention,
20 time and resources to developing the discovery in order to
21 develop the motions and the necessary pretrial work in cases,
22 it behooves us to use cases that the Court can try herself.
23 And there comes Lexecon.

24 And I know it wasn't a consideration. Some of these
25 cases you don't have to consider it; they were filed directly

1 in the Eastern District of PA. I'm not talking about those.
2 But I'm talking about major cases to consider for bellwether
3 trials that may very well not be tried here or by me.

4 So that's really what I wanted to address. That's why
5 we entered that provisional order recommendation that you be
6 prepared to talk about that today, because what I see for our
7 future may be different than what you are all looking at, legal
8 strategies aside, legal advocacy for your clients aside. It
9 has to do with creating bellwether case lists that include
10 those cases that best represent the issues raised in this MDL.
11 That doesn't mean a party as much as it means the issues,
12 because that is where it becomes instructive and helpful for
13 the rest of the trials, the rest of the motions and of course
14 possible settlement. And that's what I want to hear about.

15 So I would like to address that now, unless there's
16 something else, because we can end on the Lexecon issues. But
17 if somebody has something else they would like to ask me or
18 perhaps something to present that's not on this joint proposed
19 agenda, I'll hear you now, before we get into the legal
20 argument.

21 I hear nothing. Maybe you're all on mute. I hear
22 nothing.

23 MS. KIRKPATRICK: We are, Your Honor. We're ready to
24 go on to Lexecon. Thank you.

25 MR. PAK: I --

1 THE COURT: Mr. Pak, did you wish to say something?

2 MR. PAK: Yes, Your Honor. I was going to save this
3 one for the end because it's so anticlimactic compared to
4 Lexecon. It's truly a housekeeping matter.

5 THE COURT: Go ahead.

6 MR. PAK: It was just -- my understanding is that the
7 parties are working on dates for new Complaints, but the most
8 critical issue for us was just to confirm with Mr. Nielsen the
9 last Complaint that was filed and now transferred, I think it
10 was the Third Complaint, was the last Complaint that we'll see
11 in this MDL.

12 THE COURT: He said that. He did say that more than
13 once.

14 Mr. Nielsen? Are you being questioned or --

15 MR. NIELSEN: I'm not sure, but I'll stand by what I
16 said previously, which is that as of now, that -- that our plan
17 was that that was the last Complaint that we filed. And we
18 would expect that that's the last Complaint that would
19 certainly be part of this MDL anyway. You know, I can't really
20 bind my boss to never filing another Complaint related to price
21 fixing in the industry, but that's our intention, you know,
22 absent something unforeseen.

23 THE COURT: Thank you.

24 MR. PAK: Thank you.

25 THE COURT: Was that all you needed to hear, Mr. Pak,

1 or was there some other part to your question?

2 MR. PAK: There was no more, Your Honor. Sorry for
3 the interruption.

4 THE COURT: No, you're not interrupting. I like
5 clarification as well. But I was resting on what I thought we
6 had been informed about earlier, thus, the June deadline was
7 met.

8 And as far as new Complaints that may be filed around
9 the country that are sent through the MDL panel to us to join
10 in this MDL, we can't control that. But as for Amended
11 Complaints, those last asserting overarching conspiracy, I
12 don't think we're going to see another one, not for some time.
13 So I'm hoping that we can deal with what we have, because those
14 are expansive and momentous enough in what they raise and how
15 to handle them.

16 So that being said, I would like to hear from the
17 plaintiffs first on the Lexecon issues. And please tell me the
18 considerations that go into whether or not the cases that you
19 promote to be the bellwethers have any extenuating issues
20 relative to Lexecon.

21 I'm not sure that I see that, but I'd like the
22 plaintiffs also to represent their observations about the
23 Lexecon issues as to the defendants, because I'd like to hear
24 from them -- from you on that as well.

25 And who will argue for the plaintiffs?

1 MR. NIELSEN: Your Honor, Joe Nielsen from Connecticut
2 will be speaking. And then I think if I have missed anything,
3 possibly Jeff Istvan on behalf of the EPPs may want to add some
4 things.

5 But I can go ahead and address our view on Lexecon.
6 And, you know, I just want to make sure the Court understands
7 that we did consider Lexecon extensively as we went through the
8 process of selecting bellwether trials and as we met with
9 Special Master Marion and the defendants to talk through what
10 the criteria would be to select bellwether trials. And, you
11 know, as we're making proposals and modifying our proposals as
12 we went through the process, Lexecon was always there and it
13 was always an issue that we considered.

14 But it became clear that, you know, by some point
15 through the process that every party to the MDL believed that
16 there should be a large overarching conspiracy case as a
17 bellwether and that the State plaintiffs should be a part of
18 such a bellwether trial. And so the Lexecon issues gave -- you
19 know, since they would apply equally to whatever State
20 overarching conspiracy case was part of the bellwether, the
21 Lexecon issues gave way to the priority of determining what
22 actually would be the most appropriate overarching conspiracy,
23 multidrug case to be the bellwether.

24 Now, that said, I understand your concerns about
25 wanting to preside over the bellwether, in particular, you

1 know, the overarching conspiracy component of the bellwether.

2 And let me just say, you know, our proposal, which was
3 ultimately adopted by Special Master Marion, really sought to
4 put forward representative cases for the two different types of
5 cases that are pending in the MDL, the individual drug cases
6 which were filed in Philadelphia, and therefore, there are
7 really no Lexecon-related issues, and then an overarching
8 conspiracy bellwether, which based on all of our conversations
9 leading up to this process, we understood everyone believed
10 there should be an overarching conspiracy bellwether.

11 So, you know, we focused on which case we thought
12 would be the most appropriate for that category of cases, but I
13 do recognize your desire to preside over the bellwether. And
14 I'll just say, from that perspective, we want that as well.
15 From the States' perspective, if our Teva case is selected as a
16 bellwether, we would want you to preside over that. And I
17 think there are -- as you mentioned, there are different ways
18 to accomplish that.

19 The States would consent to waive our Lexecon rights
20 to stay in Philadelphia for a trial of our Teva case. I don't
21 know whether the defendants would as well. You know, I expect
22 you'll hear from them on that. But they have proposed that our
23 Heritage overarching conspiracy case be a part of their
24 proposed bellwether, and I presume that they were proposing
25 that would happen in Philadelphia. So it is possible that all

1 parties would consent and waive their Lexecon rights and we
2 could have a trial and Lexecon would be a nonissue.

3 Even if the defendants do not consent to waive their
4 Lexecon rights, the States would be prepared, you know, once we
5 got through discovery and through summary judgment and we're
6 being sent for remand back to Connecticut, we would be willing
7 to apply a 1404 motion to transfer back to Philadelphia for
8 trial if necessary.

9 I know that, you know, the defendants have argued
10 strenuously already that these cases should be pending in
11 Philadelphia, so the standard would be, you know, the
12 convenience of the parties and the witnesses and whether it
13 would be in the interests of justice. I think we feel pretty
14 confident that we would be able to convince the District of
15 Connecticut the case should come back if necessary.

16 And again, absent that, like you mentioned, there is a
17 possibility that, you know, even if we weren't successful in
18 those other two efforts, we'd love to have you come to
19 Connecticut and preside over a trial in Connecticut if you had
20 to and if you are willing to. You know, Connecticut is
21 beautiful most of the year, and we're currently I think the
22 lowest transmission rate of any state for COVID-19, so it would
23 be a very -- potentially very safe place to come and try a case
24 if we had to.

25 THE COURT: You must be a good lawyer because that's a

1 great argument.

2 MR. NIELSEN: I try. I do feel safe here. And I will
3 say, I was apprehensive about coming down to Philadelphia if we
4 had to do that in person today, so I'm very happy that we were
5 able to figure out this technology to do it this way. But, you
6 know, someday we will have to see each other again in person.

7 So, you know, from our perspective, you know, we
8 really looked at it as everyone in the case was proposing an
9 overarching conspiracy bellwether that involved the State
10 plaintiffs. The State plaintiffs do want to participate in a
11 bellwether trial. We think that of all the groups, we're
12 obviously much more advanced in -- from a factual development
13 perspective. We've had our investigation. We've developed
14 cooperating witnesses. We would have the ability to move a
15 bellwether forward much more quickly and efficiently than
16 potentially other groups. So we think it is appropriate to be
17 in the bellwether.

18 We think there are a number of ways that we could have
19 you preside over a bellwether. And so we don't -- I don't,
20 frankly, believe Lexecon is an impediment to you adopting
21 Special Master Marion's recommended ruling and adopting our
22 Teva overarching conspiracy case as a bellwether.

23 I would say regardless, at the end of the day, we as a
24 group of plaintiffs decided that regardless of where the case
25 is tried or who ultimately tries the case, that if you are

1 going to choose an overarching conspiracy case as a bellwether,
2 that the Teva case would be the best choice regardless,
3 because, you know, for all the reasons -- we don't need to
4 reargue all of those reasons why it is a better choice, but,
5 you know, we still thought regardless of where it's tried and
6 who it's tried in front of, it was the best choice, although we
7 would much prefer to be in front of you if at all possible.

8 THE COURT: Thank you, Mr. Nielsen.

9 Anyone else on behalf of plaintiffs?

10 MR. ISTVAN: Good afternoon, Your Honor. Jeff Istvan
11 for the private plaintiffs.

12 THE COURT: Good afternoon.

13 MR. ISTVAN: I have very little to add, just to
14 confirm that what you said in your order is correct, that
15 clobetasol, clomipramine and pravastatin cases are all original
16 cases to this district and they're here to stay. I didn't
17 understand you to want specific argument about those single
18 drug cases. Those seem to be noncontroversial.

19 And I would add that Joe is right, that we on the
20 plaintiffs' side have all thought all along that it's essential
21 for the States to be involved in the bellwether process. We
22 think that the largest plaintiff groups should be the
23 bellwether plaintiffs, and that would be the direct purchaser
24 plaintiffs, the end-payer plaintiffs and the States at a
25 minimum. And so our thinking is that Lexecon doesn't really

1 have anything to say about what would be an appropriate
2 bellwether.

3 And also regardless of where any case is tried, you
4 will issue all the decisions leading up to trial. And so, you
5 know, wherever the trial is and wherever the jury sits, we will
6 learn a lot about these cases from you before trial. And we'll
7 learn a lot about them from whichever the jury turns out to be.

8 THE COURT: Thank you very much.

9 All right. Then I will switch to the defense side.
10 And why do I think that Mr. Korpus wants to speak?

11 MR. KORPUS: Thank you, Your Honor. Sharon Korpus.
12 Thank you for this very special edition of Hollywood Squares.
13 Very nice to see you.

14 THE COURT: Nice to see you too.

15 MR. KORPUS: Let me start with the following. We
16 disagree that Lexecon was at all considered or even mentioned
17 in the many meetings, briefings, both before Special Master
18 Marion and before you. It was certainly not the focus of the
19 discussion that I can recall, and I attended every single
20 meeting. I did hear Mr. Nielsen say that he would be willing
21 to try the case in Philadelphia, but certainly it was not
22 something that defendants focused on. We really focused on the
23 pretrial process leading up to summary judgment. And that's
24 our mistake. We should have considered it earlier. And I
25 thank the Court for flagging it, but it is not something that

1 we considered.

2 Now that you have raised it, we have spoken. We are
3 not in a position to waive our Lexecon rights for cases that
4 were not filed directly into this district. There are many
5 defendants. All of them would need to agree, and at this point
6 I'm not aware that anybody has come out and said we're willing
7 to waive our Lexecon right.

8 And I think where that leaves the Court is that in
9 order to select a bellwether that the Court can preside over --
10 and we understand why the Court would want to preside over at
11 least the first bellwether, if not a series of bellwethers --
12 then we have to look at cases that were filed in this district.

13 And when we consider the cases that were filed in this
14 district, the one thing that I do agree with Mr. Nielsen on is
15 that we should choose an overarching conspiracy case since that
16 is the heart of this MDL these days. This is where all the
17 disputes have been, where all the issues have been, where the
18 discovery has been.

19 And in order for the Court to be able to preside over
20 an overarching conspiracy case filed in this district, we
21 submit that the most viable candidates are the private
22 plaintiffs class actions raising overarching conspiracies which
23 are the DPPs, IRPs, and EPPs. And we believe all three of them
24 should be the ones selected.

25 Now, for all the reasons we briefed before, it is our

1 position that the Heritage-based overarching conspiracy cases
2 are a much more manageable set of cases to take on as a
3 bellwether. Like Mr. Nielsen didn't go into the reasons why he
4 believes it should be the Teva-centric ones, I'm not going to
5 go into all the reasons that we briefed before about the
6 Heritage ones, but we do believe that it should be the
7 overarching conspiracy cases, preferably the Heritage ones. If
8 not, then I guess the Teva-centric ones.

9 We do not believe that having the individual
10 conspiracy cases as bellwethers really advances the ball much
11 because then there won't be any overarching conspiracy trial
12 before the Court, and we would have to wait for all that to be
13 done before we consider.

14 I have not thought about the issues of either transfer
15 from Connecticut and what we would do about it or any of the
16 circuit appointment by -- which I think has to be done by Chief
17 Justice Roberts, if I'm not mistaken.

18 THE COURT: Yes.

19 MR. KORPUS: I don't have views on that. But we
20 believe it should be the private plaintiff.

21 Now, this is not an unusual dynamic. I want to leave
22 you with some case law. Because when you look at how other
23 courts have addressed that issue -- for example, in the
24 Southern District of New York, there's a current MDL pending
25 called Zimmer M/L Taper Hip. And let me give you the cite

1 since we didn't get a chance to brief this. 2019 US District
2 Lexus 202294 SDNY 2019.

3 In that case Judge Crotty provided the parties with a
4 mechanism where the only cases that would be in the bellwether
5 pool and then chosen randomly were cases that would be
6 selected -- would be cases that were filed directly into that
7 district. And he overruled objections from defendants in that
8 case that the plaintiffs were biasing the pool by only taking
9 the cases directly filed. And he cited Lexecon saying that is
10 the reason why, to avoid a Lexecon problem.

11 Similarly, in a case called Re: Fosamax Product
12 Liability Litigation, 815 F.Supp. 2d 649, Judge Keenan directed
13 the parties to select cases for expedited treatment that were
14 eligible for inclusion in the bellwether trial pool only if
15 there was a Lexecon waiver or they were filed into the
16 district.

17 So this is a dynamic that judges are faced with. And
18 we would suggest that it's met by dealing with the cases filed
19 in this district.

20 Where does that leave the AGs? We're going to be
21 engaged in discovery for many months to come. The AGs' cases
22 can go through discovery in parallel with the private
23 plaintiffs' cases on which -- prioritizing whichever discovery
24 Your Honor chooses as a bellwether, be it Heritage or Teva.
25 They'll participate fully in discovery. At that point I

1 assume -- and there will be class certification motions a
2 little before the end of discovery per the schedule. And then
3 all cases will go before you for summary judgment.

4 And at that point, the bellwether trials would proceed
5 of the three classes. And it's important to know that I'm
6 saying the three classes, because the R&R only has two, but you
7 really need to try the three together because there could be
8 overlapping damages and we don't want to be in a position where
9 there is double counting of damages against us. So we think it
10 is important that all three class proceed together.

11 So at that point we would have a trial of the three
12 class actions. And once that's done, at that point it would be
13 a proper time for Mr. Nielsen to try his case in Connecticut.
14 That would be our proposal.

15 THE COURT: Thank you.

16 Anyone else on the defense side that would like to
17 speak up?

18 MR. PAK: Your Honor, Chul Pak, if I could just add
19 one added point to what Mr. Korpus has said.

20 One of the benefits management-wise of the proposal
21 that he outlined is if you proceed with the private plaintiffs
22 cases that were filed in the Eastern District of Pennsylvania
23 on the overarching conspiracy cases, overarching conspiracy for
24 class certification is also a significant issue.

25 So under the proposal that he outlined, we would be

1 addressing class certification on an overarching conspiracy
2 case, whereas the current recommendation does not address class
3 certification on an overarching conspiracy case.

4 But we think that's a significant issue in this
5 litigation that Your Honor should entertain.

6 THE COURT: Thank you.

7 MR. KORPUS: And I did neglect to say -- I'm sorry.

8 THE COURT: Go ahead.

9 MR. KORPUS: I did neglect to mention on the
10 individual conspiracy cases that were proposed by the private
11 plaintiffs, it is our view that in trying an overarching
12 conspiracy case, by definition, you also need to try the
13 individual conspiracies as part of that conspiracy.

14 So we think you would be informing the parties of the
15 risk and rewards of those alleged conspiracies by trying the
16 overarching cases.

17 And you did receive a letter concerning pravastatin in
18 particular from Glenmark, I believe. I don't know if you saw
19 that.

20 THE COURT: I did. I did.

21 One second.

22 You mentioned Glenmark. I was going to bring that up.

23 Glenmark had a letter submitted that I already knew
24 the situation because DOJ did inform the Court, I guess it was
25 yesterday, might have been the day before, concerning a new

1 indictment here in the EDPA concerning Glenmark, also filed and
2 assigned to Judge Barclay Surrick, a colleague on this court
3 who is handling the other indictments in this area and nature.

4 And I don't have any other information. That is
5 public. It's been filed. It's a grand jury indictment, so it
6 is not private or confidential information any longer.

7 And of course I understand that in any case where
8 indictment might be pending or investigation is pending,
9 there's always Fifth Amendment considerations. But for
10 example, we know that we can work through some of those.
11 Whether you agree with a special master or whether I have to
12 rule on it, there's a way to do that ad hoc, case by case. I
13 see no reason that is a blanket stay on any discovery and even
14 motions practice if that's the case.

15 I want you to know that at this point, in all the
16 years of investigation, there can't possibly be a stay of all
17 civil litigation, unless it's really so permeated that nothing
18 can happen. And I don't know that yet. So I wouldn't be
19 granting a stay on any particular cases right now just because
20 there are indictments and convictions in some of those cases.

21 MR. KORPUS: We understand, Your Honor. We are
22 talking about a selection of bellwether and not a stay, which I
23 think raises different considerations.

24 THE COURT: Yes, it does. But I thought I should
25 bring that up so everyone could know what I was thinking.

1 And someone on the telephone does want to speak.

2 Who is it?

3 MR. REED: Your Honor, forgive me for interrupting.

4 It's Steve Reed on behalf of Glenmark.

5 THE COURT: You are not interrupting. I'm welcoming
6 your interruption.

7 Yes?

8 MR. REED: I did speak over people and I apologize.

9 So Your Honor, I appreciate the opportunity to address
10 the issue.

11 First, one point of clarification, there is no grand
12 jury indictment. DOJ chose to proceed by way of information.

13 That's an issue that was raised with Judge Surrick and --

14 (Court reporter clarification.)

15 THE COURT: We're going to move up the volume and ask
16 you to repeat that because I do think it's important.

17 You didn't have much after that, did you?

18 If that's an information, my understanding of the
19 filing of informations is that's by consent. Otherwise, you
20 have to get a grand jury.

21 MR. REED: Your Honor, that's Glenmark's understanding
22 to be well. But to be clear, Glenmark did not consent to
23 proceed by way of information. So that is an issue that we
24 have raised and intend to address with Judge Surrick.

25 It's not, Your Honor, I think germane to the issue

1 that we're discussing here, but I did want to be clear on the
2 record.

3 THE COURT: You're right. It's not germane to
4 Lexecon. And thank you, Mr. Reed.

5 I do think it's an anomaly, and Judge Surrick is going
6 to figure that one out.

7 MR. REED: Your Honor, if I may continue, just for a
8 moment.

9 THE COURT: Yes, Mr. Reed.

10 MR. REED: It's Steve Reed.

11 On the other point, we appreciate and obviously we'll
12 respect your guidance on a stay.

13 Just to be clear, Glenmark is not at this time seeking
14 a stay. We thought it was important to call this issue here to
15 your attention promptly as you're considering the selection of
16 bellwethers for the reasons set forth in my letter, and I'm
17 happy to elaborate. We think the fact that there is a criminal
18 proceeding, given the Fifth Amendment concerns that you
19 recognize, concerns about expanding the scope of criminal
20 discovery and the limits of Rule 16(b) of the Rules of Criminal
21 Procedure but with parallel civil issues, for a host of
22 reasons, we think pravastatin is an unsuitable and equally
23 wrong choice as a bellwether.

24 Although that's the point we wanted to raise this
25 development with you as you consider choosing among the various

1 options for bellwethers, we respectfully submit that
2 pravastatin should not be a bellwether for the reasons we've
3 stated.

4 THE COURT: Thank you, Mr. Reed. You did state very
5 clearly in your letter that you were not seeking a stay on
6 behalf of Glenmark to stay all proceedings. And you copied
7 this to many other counsel, plaintiffs, defense, special
8 masters, so I wasn't worried about bringing this up.

9 But it brings to mind the number of opportunities
10 there are to -- roadblocks in terms of depositions primarily
11 and other types of discovery.

12 And I know that Special Master Merenstein has dealt
13 with a few of these.

14 I do think that we can do with a few less of those
15 roadblocks by carefully choosing bellwethers. But in no way,
16 shape or form does the selection of bellwether trials create a
17 pass or an unofficial stay for any other case. Discovery is to
18 not just commence but to be vigorously sought in as many cases
19 as possible, in as comprehensive and consolidated a way as
20 possible.

21 So we are happy that -- to receive the information
22 that you imparted, Mr. Reed. And we will certainly consider
23 your request not to include Glenmark in a bellwether, not at
24 this moment, anyway.

25 Thank you.

1 And was there another person on the telephone --

2 Was there another person on the telephone?

3 MR. DeMATTEO: Yes, Your Honor. This is Tom DeMatteo
4 from DOJ.

5 THE COURT: Oh, I didn't know you were on the phone.
6 I would have called on you earlier.

7 MR. DeMATTEO: No problem. I just wanted to confirm
8 that it was an information and also just to reiterate DOJ's
9 position as we filed our statement of interest back in March.
10 We don't take a position on what the best case for the
11 bellwether is. And the parties can keep with discovery to
12 prioritize depositions unaffected by the stay. You know, any
13 bellwether selected should be able to progress efficiently.

14 THE COURT: Thank you. I think that's clear. Thank
15 you very much.

16 MR. DeMATTEO: You're welcome, Your Honor.

17 THE COURT: Now we'll go back to you, Mr. Istvan.

18 MR. ISTVAN: I just wanted to respond briefly about
19 Glenmark.

20 We don't think that the information against Glenmark
21 changes the suitability of pravastatin as a bellwether at all.

22 As you know, the DOJ investigation is ongoing. The
23 next DOJ information or indictment could easily involve one of
24 the other single drug cases that are pending here. So the fact
25 that pravastatin has now been selected and identified as one in

1 which there was criminal wrongdoing doesn't seem to me to
2 change anything.

3 We briefed fairly extensive the individual defendants'
4 arguments because of the potential of criminal indictment they
5 should not have to participate in a bellwether.

6 The same arguments apply to Glenmark. They don't get
7 a pass on civil litigation or a delay on civil litigation
8 simply because they might get indicted or that there's an
9 information. Right? All of the defendants are in that same
10 situation. They all might get indicted. There might be an
11 information against any of them.

12 And then with respect to Glenmark's witnesses, there
13 are some Glenmark witnesses. There are some witnesses from
14 every defendant that are on the DOJ's list that they want
15 deferred.

16 The pravastatin information didn't change anything on
17 that list. They're all the same witnesses. No one has been
18 added or subtracted. If anything, it's possible that the
19 pravastatin -- the DOJ's pravastatin piece may go faster than
20 the others.

21 And also there's another defendant, Apotex, which has
22 been the subject of DOJ investigation and action. And Apotex
23 has a deferred prosecution agreement on pravastatin and has
24 admitted liability.

25 And therefore, it's possible -- it's possible, right,

1 that more witnesses might actually testify on pravastatin than
2 on some of the other drugs, because certain defendants'
3 liability with respect to the criminal investigation has
4 already been determined on pravastatin. So we think if
5 anything, the argument in favor of pravastatin is stronger now
6 that the case is more developed with the DOJ and there's less
7 uncertainty.

8 THE COURT: Thank you. I appreciate your comments.

9 MR. REED: Your Honor, may I address -- Steve Reed
10 again. May I address that briefly?

11 THE COURT: Yes. Mr. Reed and then to you, Mr.
12 Blechman.

13 MR. REED: I shouldn't have to say this, but it sounds
14 like I need to.

15 The fact that there is an information filed means
16 there are allegations of wrongdoing. There's no evidence of
17 criminal conduct with respect to pravastatin or otherwise.
18 These are allegations. They overlap with the allegations in
19 the civil claims, and that's precisely why we believe that
20 pravastatin is a poor choice as a bellwether.

21 Glenmark is not looking for any kind of pass in this
22 MDL. We expect to participate in discovery as we have been.
23 We're talking rather specifically about a product that is
24 directly at issue in a criminal proceeding. It's customary, as
25 I'm sure Your Honor knows. You have discretion when -- it is

1 not unusual for a judge who is presiding over a civil matter to
2 allow the criminal matter to proceed first for pretty obvious
3 concerns. But again, what we're -- we're not asking for a
4 stay. We're suggesting that there are a number of choices the
5 Court has as bellwethers. I'm not going to reargue this point,
6 which have been briefed extensively and argued extensively.
7 But as you consider which would be the most productive,
8 informative bellwethers to move this MDL along, I would
9 respectfully submit that pravastatin shouldn't be among them,
10 because it presents unique challenges. Right now the fact that
11 other criminal informations or indictments might be filed in
12 the future is a fact that we all have to deal with. But why
13 would the Court want to buy into a known problem now because of
14 the concerns about the potential but unknown problems in the
15 future.

16 THE COURT: Thank you, Mr. Reed.

17 Mr. Blechman?

18 MR. BLECHMAN: Yes, Your Honor. Thank you, very much.
19 I had my phone on mute before when plaintiffs were speaking. I
20 didn't figure out how to unmute it in time, so thank you for
21 the opportunity.

22 I wanted to note in connection with the bellwethers
23 the special master's report and recommendation notes on page 4,
24 Footnote 4, that the Kroger Direct Action Plaintiffs, which
25 include Kroger, Albertsons and HEB, all of whom have a

1 significant number of retail pharmacies and significant direct
2 purchase claims, that we desire to participate in the
3 bellwether proceedings as well, unless it becomes infeasible or
4 causes delay.

5 We have pending before the Court a motion to amend to
6 add a Second Amended Complaint which contains among the counts
7 a mirror image Teva-centric overarching conspiracy claim.
8 That's at Docket Entry Number 196 in the individual case that
9 we have filed.

10 And our inclusion in bellwether to the extent that
11 that occurs we think makes it more inclusive. We think the
12 States are actually okay with this. And we'll make -- provide
13 for more guidance in terms of what the bellwether results
14 provide.

15 So we want to be involved in the discussion, the
16 planning, the scheduling and the implementation of the
17 bellwethers, unless, as the special master notes, it creates
18 unreasonable complications or delay.

19 It does not implicate Lexecon issues, Your Honor,
20 because we filed the Kroger Direct Action Plaintiffs Complaint
21 in the Eastern District of Pennsylvania. However, if the case
22 ends up as the bellwether going to the District of Connecticut,
23 then we would have to address 1404 motions or other potential
24 procedural devices.

25 Thank you.

1 THE COURT: All right. Thank you.

2 Mr. Nielsen, did you wish to say anything?

3 MR. NIELSEN: So am I -- I'm not on mute. Okay.

4 Yeah. No. I think we have evolved well away from the
5 Lexecon issues into the merits of bellwether briefing. But I
6 just -- I want to address at least these Fifth Amendment issues
7 to just point out, you know, these have been extensively
8 briefed. And the Fifth Amendment implications apply equally to
9 any other bellwether in this MDL, in particular the Heritage
10 case. A number of the most important witnesses in that case
11 are either on the DOJ list or they are -- have indicated they
12 will plead the Fifth in deposition. So those issues I don't
13 think have a real significant, you know, impact on which case
14 is selected as a bellwether.

15 And then just one other point I wanted to make with
16 regard to Special Master Marion's recommendation. You know,
17 all of these issues about the timing of the cases and
18 everything that was proposed by Mr. Korpus were extensively
19 considered by the special master. And I think his proposal is
20 ingenious in some respects in that, you know, it will move
21 different cases forward much more quickly than the defendants'
22 proposal.

23 The proposal that Mr. Korpus made during his oral
24 argument was that, you know, we proceed with a class action
25 overarching conspiracy bellwether. And that -- you know, the

1 effect of that would be that the States' case and any direct
2 action cases that aren't affected by class action would in
3 essence be stayed during the pendency of class action
4 proceedings, and we wouldn't even be allowed to proceed to
5 summary judgment until after those class action issues were
6 resolved on appeal and otherwise all the way up, which could be
7 years of delay, whereas Special Master Marion proposed that the
8 States' Teva case would be able to go forward unaffected by the
9 class action issues, which would move that case forward much
10 more quickly, which is really one of the fundamental goals I
11 think of a bellwether and one of the considerations the Court
12 should have, how do we move this MDL forward in the most
13 representative way and in the most efficient and quick way.

14 So I just wanted to make those points relating to --
15 those are non-Lexecon issues, but it seems that we've gone that
16 way in the oral argument.

17 THE COURT: Well, sometimes you can't separate
18 everything without more difficulty.

19 And quite frankly, the Court's role is to combine all
20 of these considerations, Lexecon included.

21 And yes, it's not that I will make this decision based
22 on only whether I can try the case or not. They have to be the
23 right issues in the most comprehensive cases to give us enough
24 information to help guide the rest of the litigation. So that
25 means they have to have those commonalities and connections.

1 And I never took issue with the R&R on that.

2 It's really -- I wanted to know what counsel and their
3 clients were willing to do, because that is a basic
4 consideration of an MDL judge. And if I'm going to go through
5 the administrative hoops of proving to the USSC Chief Justice
6 that he should approve me to go try a case in Connecticut,
7 California, or dare I say it again, the south of France, I
8 really want to know why I should ask that question. Do I have
9 to ask that question? Isn't there something else I could have
10 done to avoid that kind of mechanism?

11 And you know, there are good judges all over our
12 federal judicial system, and I never doubt the capability of a
13 judge in any other federal district court being able to try one
14 of these cases. But they have busy dockets too. They may even
15 have their own MDLs. But it has been done before. It has
16 never been a preclusion to me considering the recommendations
17 in the R&R or any of your arguments. It is simply is it the
18 best case plus is it Lexecon friendly.

19 And I know the answers to those questions, and I have
20 heard very clearly that some plaintiffs will probably waive
21 Lexecon and right now no defendants are waiving Lexecon. So
22 maybe defendants get to try their cases all over the country.
23 I don't know. But that is their right, their position. And
24 then there are other mechanisms, but I don't even want to
25 consult them now. I want to get the best cases moving forward.

1 That's where I am with this.

2 And so you've satisfied my questions. And I will take
3 this matter briefly under advisement, and you will get a swift
4 response from me, because we pretty much had devoured all of
5 the briefing on the R&R and the other considerations. So it's
6 time to move this on. And we will all together move on.

7 So with that being said, is there anything else to
8 address today, Counsel?

9 MR. COSTA: Your Honor, Paul Costa for the plaintiffs.

10 I apologize, I did just want to circle back to an
11 issue relating to the case management and specifically with
12 respect to the discussion of the States' final Complaint and
13 Mr. Pak's question.

14 I wanted to ensure that you were clear on the
15 landscape when it comes to the private plaintiffs as well.

16 This is part of the discussions that we're having with
17 the defendants regarding the discovery going forward. And I
18 wanted to let you know that the end-payer plaintiffs do intend
19 to file an Amended Complaint that will bring it in line with
20 the current scope of drugs and defendants that are in the MDL
21 in our next Complaint. We do not intend to add any additional
22 drugs or defendants, and so we don't think it will be -- it
23 will prevent any progress being made from discovery. And
24 that's been -- as I said, that's been part of our ongoing
25 discussions with defendants which are not yet final. But in

1 light of your comments earlier, I wanted to make sure that you
2 understood where we are on that issue.

3 THE COURT: So Mr. Pak was talking about something
4 that was out there and hasn't been done yet? Because I thought
5 that the Amended Complaints were pretty much done. I thought.

6 So --

7 MR. BLECHMAN: Your Honor -- go ahead, Paul.

8 THE COURT: Mr. Costa, you get to respond to that, if
9 you want.

10 MR. COSTA: Yes. I understood Mr. Pak's question to
11 be directed to the States and asked whether they were finished
12 filing additional Complaints. And I understood Mr. Nielsen to
13 say yes.

14 The States' most recent Complaint added approximately
15 15 additional drugs to the MDL. That's on top of the several
16 dozen that were added by the EPPs, the DPPs and some other
17 private plaintiffs in the last six months or so. What we're
18 talking about for the EPPs is amending the existing Complaints
19 in order to bring them in line with the universe of drugs that
20 are in the MDL. So it's not to expand the MDL in any way or to
21 broach new ground in discovery but rather to bring our
22 Complaints in line with all of the current allegations and
23 claims in the MDL.

24 So to the extent that -- I think from our perspective,
25 progress and the, you know, efficient conduct of discovery, it

1 requires that we have a defined universe of drugs and
2 defendants. That's something that we've talked about with
3 defendants. And that is -- consistent with that, that's our
4 plan, to amend the Complaint to keep the -- confine our claims
5 to what's currently in the MDL and not expand them.

6 THE COURT: And do I dare ask this next question, does
7 that mean that you would not be duplicating cases and claims?

8 But would that not -- if you were consolidating all of
9 these, would that not eliminate some of the prior cases?

10 MR. COSTA: No, Your Honor. It would -- for the EPPs,
11 our last -- our last Complaint was filed in December of 2019.
12 That case would not be eliminated. We would just be amending
13 the claims in that Complaint. That's our intent in terms of
14 our next move with respect to Complaints.

15 THE COURT: Okay. Thank you.

16 And then Mr. Blechman?

17 MR. BLECHMAN: Thank you very much, Your Honor.

18 A couple points of clarification.

19 I agree with Mr. Costa. I heard Mr. Pak -- I
20 interpreted his remarks as referring to the States and whether
21 they were filing any Complaints after the third that they have
22 filed.

23 But in the interest of clarity and to make sure that
24 the Court is fully informed, the Kroger Direct Action
25 Plaintiffs, we intend to amend to bring into the case the

1 additional drugs that also are reflected in the States' Third
2 Complaint.

3 Because I told you earlier, Your Honor, that we have a
4 motion for leave to amend that had been filed on January 30th.
5 And I don't want the Court to do work it doesn't need to do.
6 Our expectation is that we will be filing a motion for leave to
7 amend to -- and essentially substitute but to file a proposed
8 Amended Complaint that builds out the additional drugs in much
9 the same way that Mr. Costa was referring to.

10 In the pleading that we had filed earlier that's the
11 subject of the motion for leave to amend, we added a plaintiff,
12 Smith Drug Company. That has created some procedural issues
13 and some discovery issues I won't burden the Court with, but in
14 the interest of just making -- simplifying this, what we'll do
15 at that time is we'll also file a Complaint on behalf of Smith
16 Drug Company. But the legacy direct action plaintiffs, Kroger,
17 Albertsons, HEB, will be the subject of a motion for leave to
18 amend to conform with those other drugs and align with what's
19 been done in the MDL and as filed by the States most recently.

20 Finally, Your Honor, it's my belief that other direct
21 action plaintiffs will on a timetable consistent with what is
22 the proposed case management order that the parties are
23 negotiating will themselves be filing either an amendment or an
24 additional Complaint to likewise align with the additional
25 drugs and allegations that are now part of the MDL as reflected

1 in the States' Third Complaint.

2 Thank you for the opportunity, Your Honor, to clarify
3 that.

4 MR. KORPUS: Your Honor, if may I respond.

5 THE COURT: Yes, you may.

6 MR. KORPUS: So yet again you see why we have such
7 difficulties in this MDL.

8 And Mr. Blechman started this call by asking you to
9 rule on the motion to amend, which now I guess he's telling you
10 he doesn't want you to rule on because he's filing yet a new
11 Complaint. We opposed his last motion to amend, and I am sure
12 we will be opposing this one.

13 That's all I had to say.

14 THE COURT: Understood.

15 I find it -- the prayer that I had at least two years
16 ago was can we get all of this in line. And it is an expansive
17 area of investigation and activity that's been alleged here.

18 I was hoping that June was the cutoff, but I am too
19 long in the tooth to believe that it would ever be the end.

20 I am surprised to hear this, but if it's to clean
21 up -- let me just use that phrase, not like it's a mess right
22 now, but because it's so confused, one would have a very
23 difficult time choosing the perfect vehicle to be a bellwether.
24 If it were to permit these amendments so that we could get the
25 most updated allegations and the most updated defense, we might

1 all be able to end this in ten years.

2 I'm sad to say that, because I don't know how long
3 I'll stick around here. However, I have taken this on, and
4 maybe -- maybe this is what I take with me to the other world.
5 I don't know. And I don't want it to be.

6 MR. KORPUS: I hope not.

7 THE COURT: We can't do justice that way. We can't do
8 justice that way. We have to figure out a way to cut through
9 this.

10 And I know the special masters have been focused on
11 that, to target discovery to get best type of response and the
12 best way possible so that the case can move on and to select
13 bellwethers that truly represent what there is.

14 I don't hear in any of the amendments that may be
15 pending that there is a change in the primary allegation of
16 overarching conspiracy. I am hearing you want to add or drop
17 claims or parties specifically.

18 And the sooner you do that, the better. And I may
19 just have to put a date on this that is realistic. And I don't
20 know what that is yet, but I'm going to have to, because I want
21 it to stop. It's going to have to stop.

22 And I may just be too tired after a long day of video
23 hearings to actually think through what that date is right now,
24 but it might very well be October 1st. I won't be cruel enough
25 to do September 1st. I don't think that's realistic anyway.

1 But there's always exceptions to every rule and every
2 order. And if there were good cause, I could reconsider that
3 if it were presented to me. But I think I'm going to have to
4 drop that line and figure out when that date is, or we will
5 never get past where we have to get past.

6 And this is for all parties' sake. I mean, defendants
7 want clarity too. If they want to get anybody out of this and
8 cleared, it's not going to happen while they're still being
9 added by yet another group.

10 So I'm willing to consider a deadline now. I thought
11 June was a pretty good aim, but that did not include the
12 additional problematic addition of Smith in your case, Mr.
13 Blechman. That's a different issue.

14 So all right.

15 MR. KORPUS: So Your Honor, we would just request that
16 when you do come up with a date, that it's clear that it
17 includes both type of animals. We have Mr. Blechman who is
18 filing Amended Complaints and we have the other private
19 plaintiffs who are filing new Complaints. And we would like
20 the date to apply to all of them so that we know finally what
21 is the scope of this MDL.

22 THE COURT: Yes. We will probably have to pick up on
23 this discussion if not before at our next monthly leadership
24 conference.

25 So let's dig in and find out what we can find out and

1 then see if there's some closure we can bring to some of this,
2 I never suspect all of this. But I know that cases can be
3 filed still for a very long time. I'm dealing with statutes of
4 limitations, which would prevent some of this. But we really
5 do have to move on it.

6 MR. ISTVAN: Your Honor, may I offer one
7 clarification?

8 THE COURT: Yes.

9 MR. ISTVAN: With respect to the bellwethers, these
10 proposed upcoming Amended Complaints don't have anything to do
11 with any of the cases that Special Master Marion has selected
12 bellwether. The States' Teva Complaint is going to remain as
13 is, as are the EPP and DPP clomipramine, clobetasol and
14 pravastatin Complaints. They will remain unchanged.

15 THE COURT: Thank you for the clarification.

16 Before I --

17 MS. LEVINE: Your Honor, I also -- it's Jan Levine --
18 had one clarification that I heard in the bellwether
19 discussion.

20 So while Your Honor is considering these issues, I
21 just want to make sure that the issue that Mr. Blechman raised
22 in terms of the bellwether, can he confirm that he would be
23 only seeking to move forward as part of the bellwether his
24 claims to the extent whatever operative Complaint he's talking
25 about is co-terminus with the States' Teva AG Complaint, not

1 broadening it?

2 MR. BLECHMAN: Your Honor, I only heard part of that.
3 I'm going to repeat what I heard, and you can tell me.

4 I think what I heard is you were asking if I can
5 confirm that the Teva -- that the bellwether we would go
6 forward with if we did would be the Teva-centric overarching
7 conspiracy count.

8 And if that's the question, the answer would be yes,
9 that's what we would be going forward with in the bellwether.

10 MS. LEVINE: Just wanted to clarify, because your Teva
11 overarching is not a cookie cutter of the States. And you did
12 not intend to broaden the bellwether?

13 I just want to make sure that you're talking about
14 just any claims that are co-terminus with the States' AG Teva
15 Complaint.

16 MR. BLECHMAN: Your Honor, I don't know if I should
17 have a lawyer sitting next to me to answer the questions,
18 forgive me. I don't need to be answering questions from
19 counsel without going through the Court. So I want to be
20 respectful, Your Honor. I know Ms. Levine does too. I'll
21 answer the questions, Your Honor, but I want to stay within the
22 procedures the Court prefers.

23 THE COURT: I'm going to let you two continue that
24 discussion offline --

25 MR. BLECHMAN: Very well, Your Honor.

1 THE COURT: -- because that needs to be clarified.

2 It does impact on what happens here.

3 MR. BLECHMAN: Thank you, Your Honor.

4 THE COURT: But I think -- I understand exactly what's
5 happening here. Where are the lines? Can we draw any? Can we
6 draw some? And I hope we can. All right.

7 I'd like to ask the Masters if any of you would like
8 to add anything. I'm going to start with Special Master Dan
9 Regard.

10 Where are you, Dan?

11 SPECIAL MASTER REGARD: Here, Your Honor.

12 I only want to let Your Honor know that there is an
13 objection to my R&R that was filed. And that's before the
14 Court filed by Sandoz. And it's just a reminder.

15 I have nothing else to add.

16 THE COURT: Thank you.

17 Yes, I saw the objection. I don't know if all the
18 briefing is done yet.

19 Okay. And Master Merenstein, is there anything you
20 could tell us?

21 SPECIAL MASTER MERENSTEIN: Good afternoon, Your
22 Honor.

23 THE COURT: Good afternoon.

24 SPECIAL MASTER MERENSTEIN: Nothing much to add. Mr.
25 Costa had referred to one discrete dispute involving

1 defendants' sales and transactional data. We have a call about
2 that tomorrow that I will hopefully be able to resolve.

3 And the only other thing that I would report is that
4 you may recall at the last status conference you referred to me
5 the dispute over the DOJ's list. The defendants would like to
6 expand the scope of those who can put eyes on that list. I've
7 received letters from the parties. We have a call scheduled
8 about that dispute next Wednesday. Again, hopefully, we can
9 work that out.

10 That's it, Your Honor.

11 THE COURT: Thank you very much.

12 And Special Master Marion, do you have anything else
13 to add?

14 SPECIAL MASTER MARION: Just to say that there are two
15 other issues that I have. One is resolved, one on the way to
16 resolution I hope, involving production of documents by the
17 States of Connecticut and Pennsylvania.

18 I issued an informal recommendation for the
19 Connecticut dispute, and the parties reached agreement on all
20 the issues there.

21 And I have still outstanding an informal report on the
22 defendants' motion to compel Pennsylvania to produce certain
23 documents. And without getting into the issues, that is still
24 pending, but I hope it will be resolved.

25 I mentioned the matter I am handling with the

1 clawbacks and trying to do something creative that will shorten
2 some of these dates rather than lengthen them.

3 And finally, I think my conscience requires me to say
4 that Mr. Nielsen gave me a compliment about being ingenious.
5 And the compliment really should be to the Court because it was
6 your suggestion that we consider separate tracks. And we did
7 do that in the R&R on the bellwether.

8 That's all I have to say I think that's pertinent.

9 THE COURT: I don't know that that's ingenious either
10 even if I did suggest it, but it's something that I thought
11 would help alleviate some of the confusion.

12 SPECIAL MASTER MERENSTEIN: It would help.

13 THE COURT: If any of you know me, I like to eliminate
14 confusion.

15 I thank you very much. And I thank all of you for
16 continuing to work sometimes with some difficulty through these
17 very thorny issues.

18 Anything else from anyone who has joined us by audio
19 only?

20 I'll give you a moment to unmute.

21 I don't hear anything.

22 Mr. Blechman, do you need something else?

23 MR. BLECHMAN: No, Your Honor. I was just checking --

24 THE COURT: Because you're front and center in my
25 screen, and that usually means you're making noise.

1 MR. BLECHMAN: Sorry about that. I was just checking
2 my microphone.

3 THE COURT: No problem.

4 Then if there's no objection, I'll thank you and see
5 you in one month.

6 RESPONSE: Thank you, Your Honor.

7 (Proceedings concluded at 3:07 p.m.)

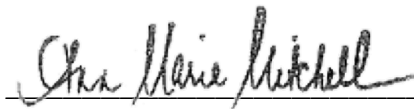
8

9

10 I certify that the foregoing is a correct transcript
11 from the record of proceedings in the above-entitled matter.

12

13

A handwritten signature in cursive script, reading "Ann Marie Mitchell", is written over a horizontal line.

14 Ann Marie Mitchell, CRR, RDR, RMR
15 Official Court Reporter

16

Date: July 13, 2020

17

18

19

20

21

22

23

24

25

<p>\$28 [1] - 14:1 06106 [1] - 1:22 1 [5] - 12:18, 12:19, 12:20, 12:23, 13:7 10 [1] - 19:4 10018 [1] - 3:19 10019 [2] - 2:16, 3:10 10022 [1] - 3:14 105 [8] - 7:21, 8:2, 8:9, 9:3, 9:18, 11:12, 12:15, 14:3 10:00 [1] - 20:21 10th [3] - 18:12, 18:16 11 [1] - 13:25 1100 [1] - 2:10 1101 [1] - 2:4 11:00 [1] - 20:21 120 [2] - 7:23, 11:13 120-day [1] - 8:22 1200 [1] - 3:23 123 [4] - 7:4, 10:9, 11:14, 16:15 13 [1] - 60:15 1301 [1] - 2:15 1350 [1] - 3:18 13th [2] - 18:16, 18:24 14 [1] - 13:8 1404 [2] - 27:7, 44:23 1441 [1] - 2:10 15 [1] - 49:15 1515 [1] - 3:22 16(b) [1] - 38:20 16-MD-2724 [1] - 1:4 1600 [1] - 4:19 1633 [1] - 3:9 1650 [1] - 4:15 1701 [1] - 4:4 1800 [1] - 4:14 19102 [1] - 3:23 19103 [4] - 3:5, 4:4, 4:15, 4:20 19107 [2] - 1:16, 2:5 196 [1] - 44:8 1:40 [2] - 1:9, 6:1 1st [3] - 9:14, 53:24, 53:25 20005 [1] - 2:20 20007 [1] - 5:5 2019 [3] - 33:1, 33:2, 50:11 202 [3] - 2:21, 4:10, 5:6 2020 [2] - 1:8, 60:15 2021 [2] - 13:7, 13:8 202294 [1] - 33:2 20530 [1] - 4:10 212 [3] - 2:16, 3:10, 3:15 215 [7] - 1:17, 2:6, 3:6, 3:24, 4:5, 4:16, 4:21 216-8000 [1] - 3:19 221 [1] - 3:19 2300 [1] - 1:16 249-7877 [1] - 5:6</p>	<p>267 [1] - 5:19 2724 [1] - 1:3 2801 [1] - 2:5 29 [1] - 13:6 299-7250 [1] - 5:19 2d [1] - 33:12 3 [2] - 11:9, 14:3 3000 [2] - 3:4, 5:4 305 [1] - 2:11 30th [1] - 51:4 330 [1] - 5:5 33131 [1] - 2:11 3600 [1] - 4:20 373-1000 [1] - 2:11 3:07 [1] - 60:7 4 [2] - 43:23, 43:24 40th [1] - 2:15 434-5000 [1] - 2:21 446-4800 [1] - 3:15 45 [2] - 12:24, 13:1 450 [1] - 4:9 506-1700 [1] - 3:10 55 [1] - 1:21 567-6565 [1] - 1:17 598-2942 [1] - 4:10 5:30 [1] - 20:25 5th [1] - 4:9 60 [3] - 12:19, 12:21, 12:23 601 [1] - 3:14 649 [1] - 33:12 6:30 [1] - 20:21 70 [1] - 8:2 725 [1] - 2:20 751-2000 [1] - 4:21 7:00 [1] - 20:21 808-5396 [1] - 1:22 815 [1] - 33:12 860 [1] - 1:22 864-7000 [1] - 4:16 864-7797 [1] - 3:24 8700 [1] - 4:9 8th [3] - 18:14, 18:17, 19:8 9 [1] - 1:8 923-9300 [1] - 2:6 963-5000 [1] - 4:5 981-4000 [1] - 3:6 999-5800 [1] - 2:16 abilities [1] - 10:16 ability [1] - 28:14 able [9] - 7:2, 27:14, 28:5, 31:19, 40:13, 46:8, 47:13, 53:1, 58:2 above-entitled [1] - 60:11 absent [2] - 23:22, 27:16 accept [1] - 21:9 acceptable [3] - 9:7, 13:18, 13:19 Access [1] - 8:1 accommodations [1] - 10:25</p>	<p>accomplish [1] - 26:18 achieved [1] - 10:3 ACTION [2] - 1:4, 2:9 action [9] - 41:22, 45:24, 46:2, 46:3, 46:5, 46:9, 51:16, 51:21 Action [3] - 43:24, 44:20, 50:24 actions [2] - 31:22, 34:12 activity [1] - 52:17 actual [1] - 6:8 ad [1] - 36:12 add [12] - 11:4, 25:3, 29:13, 29:19, 34:18, 44:6, 48:21, 53:16, 57:8, 57:15, 57:24, 58:13 added [8] - 15:6, 15:12, 34:19, 41:18, 49:14, 49:16, 51:11, 54:9 addition [2] - 16:6, 54:12 additional [14] - 10:11, 11:15, 14:21, 15:6, 15:9, 48:21, 49:12, 49:15, 51:1, 51:8, 51:24, 54:12 address [17] - 6:7, 15:1, 15:19, 16:2, 18:4, 21:10, 22:4, 22:15, 25:5, 35:2, 37:9, 37:24, 42:9, 42:10, 44:23, 45:6, 48:8 addressed [2] - 6:25, 32:23 addressing [1] - 35:1 administrative [3] - 11:16, 11:17, 47:5 admitted [1] - 41:24 adopt [1] - 21:10 adopted [1] - 26:3 adopting [2] - 28:20, 28:21 advanced [1] - 28:12 advances [1] - 32:10 advisement [1] - 48:3 advocacy [1] - 22:8 affected [1] - 46:2 afraid [1] - 20:24 afternoon [5] - 16:1, 29:10, 29:12, 57:21, 57:23 afterwards [1] - 7:24 AG [3] - 8:1, 55:25, 56:14 agenda [2] - 6:7, 22:19 ago [3] - 17:2, 17:3, 52:16 agree [4] - 31:5, 31:14, 36:11, 50:19 agreed [10] - 7:18, 8:7, 8:10, 8:24, 9:5, 11:6, 11:7, 11:11, 12:3, 12:13 agreement [8] - 6:23, 7:2, 7:13, 11:22, 13:4, 15:13, 41:23, 58:19 agreements [1] - 12:2 AGs [1] - 33:20 AGs' [1] - 33:21</p>	<p>ahead [4] - 23:5, 25:5, 35:8, 49:7 aided [1] - 5:22 aim [1] - 54:11 alarmed [2] - 13:5, 13:10 Albertsons [2] - 43:25, 51:17 align [2] - 51:18, 51:24 allegation [1] - 53:15 allegations [6] - 42:16, 42:18, 49:22, 51:25, 52:25 alleged [2] - 35:15, 52:17 alleviate [1] - 59:11 ALLON [1] - 3:13 allow [2] - 11:12, 43:2 allowed [2] - 13:20, 46:4 almost [2] - 14:20, 16:11 alternative [1] - 9:7 amend [9] - 44:5, 50:4, 50:25, 51:4, 51:7, 51:11, 51:18, 52:9, 52:11 Amended [7] - 24:10, 44:6, 48:19, 49:5, 51:8, 54:18, 55:10 amending [2] - 49:18, 50:12 amendment [1] - 51:23 Amendment [4] - 36:9, 38:18, 45:6, 45:8 amendments [2] - 52:24, 53:14 AMERICA [1] - 4:9 Americas [1] - 2:15 animals [1] - 54:17 Ann [2] - 5:18, 60:14 anomaly [1] - 38:5 answer [3] - 56:8, 56:17, 56:21 answering [1] - 56:18 answers [1] - 47:19 anticlimactic [1] - 23:3 Antitrust [1] - 6:5 ANTITRUST [1] - 1:5 anyway [4] - 18:7, 23:19, 39:24, 53:25 apologize [2] - 37:8, 48:10 Apotex [2] - 41:21, 41:22 appeal [1] - 46:6 appear [1] - 9:16 APPEARANCES [5] - 1:12, 2:1, 3:1, 4:1, 5:1 applied [1] - 8:20 apply [7] - 16:14, 16:21, 25:19, 27:7, 41:6, 45:8, 54:20 applying [1] - 9:1 appointment [1] - 32:16 appreciate [4] - 20:5, 37:9, 38:11, 42:8 apprehensive [1] - 28:3 approach [4] - 8:7, 8:15,</p>
---	--	--	---

<p>8:18, 8:24 approached [1] - 9:1 approaches [2] - 8:3, 8:6 appropriate [6] - 7:24, 12:3, 25:22, 26:12, 28:16, 30:1 approve [1] - 47:6 approved [1] - 7:3 April [1] - 13:6 Arch [1] - 3:5 area [3] - 17:12, 36:3, 52:17 argue [1] - 24:25 argued [2] - 27:9, 43:6 argument [8] - 6:9, 18:19, 22:20, 28:1, 29:17, 42:5, 45:24, 46:16 arguments [4] - 13:9, 41:4, 41:6, 47:17 arranged [2] - 21:14, 21:15 aside [3] - 20:11, 22:8 asserting [1] - 24:11 assigned [1] - 36:2 assist [1] - 17:8 assistance [1] - 14:25 assume [1] - 34:1 attended [1] - 30:19 attention [3] - 18:20, 21:19, 38:15 attorney [1] - 7:15 ATTORNEY [1] - 1:20 attorney-client [1] - 7:15 Attorneys [1] - 16:10 ATTORNEYS [2] - 1:17, 1:21 audio [1] - 59:18 August [6] - 18:7, 18:12, 18:16, 18:24, 19:2 Avenue [3] - 2:10, 2:15, 3:14 avoid [3] - 10:24, 33:10, 47:10 awaiting [1] - 16:21 aware [1] - 31:6 BACKSTROM [1] - 3:22 ball [1] - 32:10 Barclay [1] - 36:2 based [3] - 26:8, 32:1, 46:21 basic [1] - 47:3 basis [6] - 7:15, 8:14, 12:24, 13:1, 13:11, 16:17 beautiful [1] - 27:21 became [1] - 25:14 becomes [2] - 22:12, 44:3 BEFORE [1] - 1:10 began [1] - 20:23 begin [1] - 15:15 behalf [5] - 25:3, 29:9, 37:4, 39:6, 51:15 behooves [1] - 21:22 belief [1] - 51:20 believes [1] - 32:4 bellwether [61] - 21:7, 22:2,</p>	<p>22:9, 25:8, 25:10, 25:17, 25:18, 25:20, 25:23, 25:25, 26:1, 26:8, 26:10, 26:13, 26:16, 26:24, 28:9, 28:11, 28:15, 28:17, 28:19, 28:22, 29:1, 29:21, 29:23, 30:2, 31:9, 31:11, 32:3, 33:4, 33:14, 33:24, 34:4, 36:22, 38:23, 39:2, 39:16, 39:23, 40:11, 40:13, 40:21, 41:5, 42:20, 44:3, 44:10, 44:13, 44:22, 45:5, 45:9, 45:14, 45:25, 46:11, 52:23, 55:12, 55:18, 55:22, 55:23, 56:5, 56:9, 56:12, 59:7 bellwethers [12] - 24:19, 31:11, 32:10, 38:16, 39:1, 39:15, 43:5, 43:8, 43:22, 44:17, 53:13, 55:9 benefit [1] - 6:3 benefits [1] - 34:20 BENSON [1] - 3:8 best [9] - 20:5, 22:10, 29:2, 29:6, 40:10, 47:18, 47:25, 53:11, 53:12 better [2] - 29:4, 53:18 between [1] - 18:10 biasing [1] - 33:8 big [1] - 20:17 bind [1] - 23:20 bit [1] - 9:22 BLACK [1] - 1:13 blanket [2] - 8:4, 36:13 Blechman [8] - 42:12, 43:17, 50:16, 52:8, 54:13, 54:17, 55:21, 59:22 BLECHMAN [13] - 2:9, 17:13, 17:15, 17:21, 43:18, 49:7, 50:17, 56:2, 56:16, 56:25, 57:3, 59:23, 60:1 bmerenstein@schneider.com [1] - 4:21 BOCKIUS [1] - 4:3 boss [1] - 23:20 Brickell [1] - 2:10 brief [1] - 33:1 briefed [5] - 31:25, 32:5, 41:3, 43:6, 45:8 briefing [7] - 7:5, 16:24, 17:1, 17:6, 45:5, 48:5, 57:18 briefings [1] - 30:17 briefly [3] - 40:18, 42:10, 48:3 bring [7] - 35:22, 36:25, 48:19, 49:19, 49:21, 50:25, 55:1 bringing [1] - 39:8 brings [1] - 39:9 broach [1] - 49:21 Broad [1] - 1:15</p>	<p>broaden [1] - 56:12 broadening [1] - 56:1 broader [1] - 10:20 Broadway [2] - 3:9, 3:18 BRUCE [1] - 4:19 builds [1] - 51:8 burden [1] - 51:13 burdens [1] - 11:17 burdensome [2] - 9:3, 9:18 busy [1] - 47:14 buy [1] - 43:13 Byrne [1] - 1:7 calendar [1] - 19:1 California [1] - 47:7 candidates [1] - 31:21 capability [1] - 47:12 carefully [1] - 39:15 case [62] - 6:11, 6:16, 6:19, 7:7, 7:20, 10:11, 11:9, 15:19, 18:3, 20:6, 22:9, 25:16, 25:20, 25:23, 26:11, 26:15, 26:20, 26:23, 27:15, 27:23, 28:8, 28:22, 28:24, 28:25, 29:1, 29:2, 30:3, 30:21, 31:15, 31:20, 32:22, 33:3, 33:8, 33:11, 34:13, 35:2, 35:3, 35:12, 36:7, 36:12, 36:14, 39:17, 40:10, 42:6, 44:8, 44:21, 45:10, 45:13, 46:1, 46:8, 46:9, 46:22, 47:6, 47:18, 48:11, 50:12, 50:25, 51:22, 53:12, 54:12 cases [52] - 20:8, 21:12, 21:21, 21:22, 21:25, 22:2, 22:10, 24:18, 26:4, 26:5, 26:12, 27:10, 29:15, 29:16, 29:18, 30:6, 31:3, 31:12, 31:13, 32:1, 32:2, 32:7, 32:10, 33:4, 33:5, 33:6, 33:9, 33:13, 33:18, 33:21, 33:23, 34:3, 34:22, 34:23, 35:10, 35:16, 36:19, 36:20, 39:18, 40:24, 45:17, 45:21, 46:2, 46:23, 47:14, 47:22, 47:25, 50:7, 50:9, 55:2, 55:11 category [1] - 26:12 causes [1] - 44:4 center [1] - 59:24 centric [4] - 32:4, 32:8, 44:7, 56:6 certain [3] - 10:17, 42:2, 58:22 certainly [4] - 23:19, 30:18, 30:21, 39:22 certification [5] - 21:17, 34:1, 34:24, 35:1, 35:3 certify [1] - 60:10 cetera [1] - 19:20 challenges [1] - 43:10 chance [3] - 14:8, 20:16,</p>	<p>33:1 change [4] - 19:21, 41:2, 41:16, 53:15 changes [1] - 40:21 checked [1] - 19:1 checking [2] - 59:23, 60:1 Chief [2] - 32:16, 47:5 choice [5] - 29:2, 29:4, 29:6, 38:23, 42:20 choices [1] - 43:4 choose [2] - 29:1, 31:15 chooses [1] - 33:24 choosing [3] - 38:25, 39:15, 52:23 chose [1] - 37:12 chosen [1] - 33:5 CHUL [1] - 2:14 Chul [1] - 34:18 circle [1] - 48:10 circuit [1] - 32:16 cite [1] - 32:25 cited [1] - 33:9 civil [6] - 36:17, 38:21, 41:7, 42:19, 43:1 CIVIL [1] - 1:4 claim [1] - 44:7 claims [9] - 42:19, 44:2, 49:23, 50:4, 50:7, 50:13, 53:17, 55:24, 56:14 clarification [7] - 24:5, 37:11, 37:14, 50:18, 55:7, 55:15, 55:18 clarified [1] - 57:1 clarify [3] - 17:9, 52:2, 56:10 clarity [2] - 50:23, 54:7 class [13] - 21:17, 31:22, 34:1, 34:10, 34:12, 34:24, 35:1, 35:2, 45:24, 46:2, 46:3, 46:5, 46:9 classes [2] - 34:5, 34:6 clawback [12] - 7:11, 11:3, 11:13, 11:16, 11:21, 12:12, 12:16, 12:24, 13:1, 13:8, 13:12, 13:14 clawbacks [7] - 9:8, 11:8, 12:1, 12:7, 12:20, 12:25, 59:1 clean [1] - 52:20 clear [7] - 25:14, 37:22, 38:1, 38:13, 40:14, 48:14, 54:16 cleared [1] - 54:8 clearly [2] - 39:5, 47:20 clicks [1] - 18:1 client [1] - 7:15 clients [2] - 22:8, 47:3 clobetasol [2] - 29:15, 55:13 clomipramine [2] - 29:15, 55:13 closure [2] - 14:4, 55:1</p>
---	--	---	---

<p>CMO [1] - 12:15 co [2] - 55:25, 56:14 co-terminus [2] - 55:25, 56:14 colleague [1] - 36:2 colleagues [1] - 19:24 combine [1] - 46:19 coming [4] - 18:1, 20:3, 20:22, 28:3 commence [1] - 39:18 Commencing [1] - 1:9 comment [1] - 9:22 comments [2] - 42:8, 49:1 commonalities [1] - 46:25 Company [2] - 51:12, 51:16 compared [1] - 23:3 compel [1] - 58:22 Complaint [25] - 23:9, 23:10, 23:17, 23:18, 23:20, 44:6, 44:20, 48:12, 48:19, 48:21, 49:14, 50:4, 50:11, 50:13, 51:2, 51:8, 51:15, 51:24, 52:1, 52:11, 55:12, 55:24, 55:25, 56:15 Complaints [15] - 15:6, 15:9, 23:7, 24:8, 24:11, 49:5, 49:12, 49:18, 49:22, 50:14, 50:21, 54:18, 54:19, 55:10, 55:14 complement [1] - 18:10 complete [1] - 17:6 completed [2] - 17:1, 17:4 completely [1] - 14:19 complex [2] - 6:18, 20:11 complicated [1] - 16:10 complicating [1] - 10:15 complications [1] - 44:18 compliment [2] - 59:4, 59:5 component [1] - 26:1 comprehensive [3] - 20:7, 39:19, 46:23 compromise [1] - 13:20 computer [1] - 5:22 computer-aided [1] - 5:22 concern [1] - 19:2 concerning [3] - 35:17, 35:25, 36:1 concerns [7] - 9:6, 10:21, 25:24, 38:18, 38:19, 43:3, 43:14 concluded [1] - 60:7 conduct [2] - 42:17, 49:25 confer [1] - 15:15 CONFERENCE [1] - 1:5 conference [10] - 6:4, 6:14, 7:5, 14:9, 17:7, 18:12, 18:24, 19:12, 54:24, 58:4 conferences [1] - 18:5 confident [1] - 27:14</p>	<p>confidential [2] - 9:17, 36:6 confidentiality [7] - 7:10, 7:17, 8:16, 9:2, 10:13, 10:16, 12:1 confine [1] - 50:4 confirm [5] - 23:8, 29:14, 40:7, 55:22, 56:5 conflict [1] - 19:6 conform [1] - 51:18 confused [1] - 52:22 confusion [3] - 11:17, 59:11, 59:14 Connecticut [13] - 1:22, 25:1, 27:6, 27:15, 27:19, 27:20, 32:15, 34:13, 44:22, 47:6, 58:17, 58:19 connection [2] - 17:19, 43:22 connections [1] - 46:25 CONNOLLY [1] - 2:19 conscience [1] - 59:3 consent [5] - 26:19, 27:1, 27:3, 37:19, 37:22 consider [11] - 13:23, 21:25, 22:2, 25:7, 31:13, 32:13, 38:25, 39:22, 43:7, 54:10, 59:6 considerably [1] - 13:13 consideration [3] - 12:4, 21:24, 47:4 considerations [6] - 24:18, 36:9, 36:23, 46:11, 46:20, 48:5 considered [5] - 25:13, 30:16, 30:24, 31:1, 45:19 considering [3] - 38:15, 47:16, 55:20 consistent [2] - 50:3, 51:21 consolidated [1] - 39:19 consolidating [1] - 50:8 conspiracies [3] - 31:22, 35:13, 35:15 conspiracy [28] - 24:11, 25:16, 25:20, 25:22, 26:1, 26:8, 26:10, 26:23, 28:9, 28:22, 29:1, 31:15, 31:20, 32:1, 32:7, 32:10, 32:11, 34:23, 35:1, 35:3, 35:10, 35:12, 35:13, 44:7, 45:25, 53:16, 56:7 consult [1] - 47:25 contact [1] - 19:24 contains [1] - 44:6 continue [7] - 8:8, 10:19, 18:9, 18:11, 20:2, 38:7, 56:23 CONTINUED [4] - 2:1, 3:1, 4:1, 5:1 continuing [3] - 9:21, 18:23, 59:16</p>	<p>control [1] - 24:10 convene [1] - 6:6 convenience [1] - 27:12 conversations [1] - 26:8 convictions [1] - 36:20 convince [1] - 27:14 cookie [1] - 56:11 cooperating [1] - 28:14 copied [1] - 39:6 correct [3] - 9:15, 29:14, 60:10 cost [1] - 14:25 Costa [9] - 6:12, 9:12, 14:18, 16:6, 48:9, 49:8, 50:19, 51:9, 57:25 COSTA [12] - 1:14, 6:12, 9:11, 9:15, 9:20, 10:7, 11:5, 14:20, 15:25, 48:9, 49:10, 50:10 Counsel [1] - 48:8 COUNSEL [6] - 2:10, 2:14, 2:19, 3:3, 3:9, 3:13 counsel [5] - 7:23, 20:9, 39:7, 47:2, 56:19 count [1] - 56:7 counting [1] - 34:9 country [2] - 24:9, 47:22 counts [1] - 44:6 couple [1] - 50:18 course [3] - 16:7, 22:13, 36:7 COURT [1] - 1:1 court [5] - 19:25, 21:11, 21:12, 36:2, 47:13 Court [5] - 5:18, 6:1, 19:24, 37:14, 60:14 Court's [1] - 46:19 Courthouse [1] - 1:7 courts [1] - 32:23 cover [1] - 15:8 COVID-19 [2] - 6:18, 27:22 cpak@wsgr.com [1] - 2:17 create [1] - 39:16 created [2] - 19:18, 51:12 creates [1] - 44:17 creating [1] - 22:9 creative [1] - 59:1 criminal [9] - 38:17, 38:19, 41:1, 41:4, 42:3, 42:17, 42:24, 43:2, 43:11 Criminal [1] - 38:20 criteria [1] - 25:10 critical [1] - 23:8 Crotty [1] - 33:3 CRR [2] - 5:18, 60:14 cruel [1] - 53:24 current [5] - 18:23, 32:24, 35:2, 48:20, 49:22 custodial [6] - 7:1, 7:14, 8:11, 11:9, 12:22, 13:7</p>	<p>customary [1] - 42:24 cut [3] - 17:16, 17:25, 53:8 cutoff [1] - 52:18 cutter [1] - 56:11 CYNTHIA [1] - 1:10 damages [2] - 34:8, 34:9 Dan [2] - 57:8, 57:10 dan@idsinc.com [1] - 5:6 DANIEL [1] - 5:4 dare [2] - 47:7, 50:6 data [2] - 14:24, 58:1 Date [1] - 60:15 date [9] - 12:18, 17:3, 18:14, 19:3, 53:19, 53:23, 54:4, 54:16, 54:20 dates [5] - 13:1, 13:6, 13:10, 23:7, 59:2 DAVID [1] - 4:14 days [7] - 7:23, 11:13, 12:19, 12:21, 12:23, 12:24, 31:16 DC [3] - 2:20, 4:10, 5:5 deadline [7] - 7:1, 8:12, 9:13, 11:20, 12:15, 24:6, 54:10 deadlines [16] - 6:16, 6:19, 7:7, 7:9, 7:19, 8:10, 8:12, 10:4, 10:10, 11:7, 11:11, 11:14, 11:18, 11:19, 13:22, 16:14 deal [2] - 24:13, 43:12 dealing [2] - 33:18, 55:3 dealt [1] - 39:12 December [3] - 18:19, 19:16, 50:11 decided [1] - 28:24 decision [1] - 46:21 decisions [2] - 13:14, 30:4 deemed [1] - 8:19 DEFENDANT [3] - 3:17, 3:22, 4:3 defendant [5] - 8:8, 8:15, 8:18, 41:14, 41:21 defendants [36] - 7:21, 8:4, 9:1, 9:23, 10:19, 10:23, 11:8, 11:12, 11:15, 12:19, 14:16, 15:7, 15:9, 15:12, 15:13, 15:17, 16:4, 24:23, 25:9, 26:21, 27:3, 27:9, 30:22, 31:5, 33:7, 41:9, 47:21, 47:22, 48:17, 48:20, 48:22, 48:25, 50:2, 50:3, 54:6, 58:5 defendants' [8] - 9:6, 14:24, 15:14, 41:3, 42:2, 45:21, 58:1, 58:22 DEFENSE [5] - 2:14, 2:19, 3:3, 3:8, 3:13 defense [6] - 13:21, 15:23, 30:9, 34:16, 39:7, 52:25 deferred [2] - 41:15, 41:23 defined [1] - 50:1 definition [1] - 35:12</p>
---	--	---	--

<p>definitively [1] - 18:18</p> <p>delay [4] - 41:7, 44:4, 44:18, 46:7</p> <p>delays [1] - 10:11</p> <p>DeMatteo [4] - 40:3, 40:7, 40:16</p> <p>DEMATTEO [1] - 4:8</p> <p>DEPARTMENT [1] - 4:8</p> <p>deposition [1] - 45:12</p> <p>depositions [2] - 39:10, 40:12</p> <p>described [1] - 16:7</p> <p>designation [1] - 9:17</p> <p>designations [9] - 7:11, 7:17, 8:5, 8:16, 8:19, 9:2, 10:13, 10:16, 12:1</p> <p>desire [2] - 26:13, 44:2</p> <p>detail [2] - 7:6, 14:14</p> <p>determined [1] - 42:4</p> <p>determining [1] - 25:21</p> <p>devastating [1] - 19:23</p> <p>develop [1] - 21:21</p> <p>developed [2] - 28:13, 42:6</p> <p>developing [1] - 21:20</p> <p>development [2] - 28:12, 38:25</p> <p>device [1] - 13:14</p> <p>devices [1] - 44:24</p> <p>DEVORA [1] - 3:13</p> <p>devora.allon@kirkland.com [1] - 3:15</p> <p>devoured [1] - 48:4</p> <p>DIANNE [1] - 2:3</p> <p>dictate [1] - 9:24</p> <p>different [9] - 8:3, 8:6, 13:4, 22:7, 26:4, 26:17, 36:23, 45:21, 54:13</p> <p>difficult [4] - 20:2, 20:12, 21:3, 52:23</p> <p>difficulties [1] - 52:7</p> <p>difficulty [2] - 46:18, 59:16</p> <p>dig [1] - 54:25</p> <p>diligently [1] - 6:15</p> <p>direct [6] - 16:19, 29:23, 44:1, 46:1, 51:16, 51:20</p> <p>Direct [3] - 43:24, 44:20, 50:24</p> <p>DIRECT [3] - 1:13, 2:3, 2:9</p> <p>directed [2] - 33:12, 49:11</p> <p>directly [5] - 21:25, 31:4, 33:6, 33:9, 42:24</p> <p>disagree [1] - 30:16</p> <p>disagreed [1] - 13:3</p> <p>Discovery [1] - 15:1</p> <p>discovery [30] - 10:14, 15:4, 15:8, 15:16, 16:8, 16:10, 16:12, 16:20, 16:23, 19:20, 21:20, 27:5, 31:18, 33:21, 33:22, 33:23, 33:25, 34:2,</p>	<p>36:13, 38:20, 39:11, 39:17, 40:11, 42:22, 48:17, 48:23, 49:21, 49:25, 51:13, 53:11</p> <p>discrete [1] - 57:25</p> <p>discretion [1] - 42:25</p> <p>discuss [5] - 9:6, 9:21, 10:19, 14:11, 21:7</p> <p>discussed [2] - 8:3, 11:20</p> <p>discussing [9] - 7:9, 8:25, 14:23, 15:3, 15:7, 15:17, 16:7, 16:13, 38:1</p> <p>discussion [6] - 30:19, 44:15, 48:12, 54:23, 55:19, 56:24</p> <p>discussions [8] - 10:23, 11:22, 11:24, 14:21, 16:11, 16:12, 48:16, 48:25</p> <p>dispute [6] - 12:10, 16:19, 57:25, 58:5, 58:8, 58:19</p> <p>disputes [2] - 10:24, 31:17</p> <p>distance [1] - 13:10</p> <p>DISTRICT [2] - 1:1, 1:1</p> <p>district [9] - 29:16, 31:4, 31:12, 31:14, 31:20, 33:7, 33:16, 33:19, 47:13</p> <p>District [8] - 21:13, 22:1, 27:14, 32:24, 33:1, 34:22, 44:21, 44:22</p> <p>dnast@nastlaw.com [1] - 2:6</p> <p>doable [2] - 9:18, 9:24</p> <p>Docket [1] - 44:8</p> <p>docket [1] - 20:7</p> <p>dockets [1] - 47:14</p> <p>document [6] - 8:11, 11:14, 15:4, 15:14, 16:14, 19:20</p> <p>documents [18] - 7:1, 7:14, 7:22, 8:5, 8:10, 8:17, 8:22, 9:2, 10:17, 12:18, 12:20, 12:22, 13:17, 14:1, 14:2, 16:16, 58:16, 58:23</p> <p>DOJ [8] - 35:24, 37:12, 40:4, 40:22, 40:23, 41:22, 42:6, 45:11</p> <p>DOJ's [4] - 40:8, 41:14, 41:19, 58:5</p> <p>done [10] - 6:20, 32:13, 32:16, 34:12, 47:10, 47:15, 49:4, 49:5, 51:19, 57:18</p> <p>double [1] - 34:9</p> <p>doubt [1] - 47:12</p> <p>down [2] - 17:17, 28:3</p> <p>dozen [1] - 49:16</p> <p>dozens [1] - 11:18</p> <p>DPP [1] - 55:13</p> <p>DPPs [2] - 31:23, 49:16</p> <p>draw [2] - 57:5, 57:6</p> <p>DROGIN [1] - 3:17</p> <p>drop [2] - 53:16, 54:4</p> <p>drug [3] - 26:5, 29:18, 40:24</p>	<p>Drug [2] - 51:12, 51:16</p> <p>drugs [12] - 15:6, 15:9, 42:2, 48:20, 48:22, 49:15, 49:19, 50:1, 51:1, 51:8, 51:18, 51:25</p> <p>duplicating [1] - 50:7</p> <p>during [3] - 8:21, 45:23, 46:3</p> <p>dynamic [2] - 32:21, 33:17</p> <p>ear [2] - 17:19, 18:1</p> <p>early [1] - 13:14</p> <p>earnest [1] - 19:19</p> <p>easily [1] - 40:23</p> <p>EASTERN [1] - 1:1</p> <p>Eastern [4] - 21:13, 22:1, 34:22, 44:21</p> <p>easy [2] - 17:21, 20:10</p> <p>edition [1] - 30:12</p> <p>EDPA [1] - 36:1</p> <p>effect [1] - 46:1</p> <p>efficient [3] - 15:10, 46:13, 49:25</p> <p>efficiently [2] - 28:15, 40:13</p> <p>efforts [1] - 27:18</p> <p>Eighteenth [1] - 3:5</p> <p>either [4] - 32:14, 45:11, 51:23, 59:9</p> <p>elaborate [2] - 13:24, 38:17</p> <p>elect [2] - 8:8, 8:15</p> <p>electronics [1] - 19:23</p> <p>eligible [1] - 33:14</p> <p>eliminate [3] - 11:11, 50:9, 59:13</p> <p>eliminated [1] - 50:12</p> <p>eliminates [1] - 20:16</p> <p>ELLIS [1] - 3:13</p> <p>ELM [1] - 1:20</p> <p>Elm [1] - 1:21</p> <p>emails [2] - 20:22, 20:25</p> <p>END [2] - 1:15, 2:4</p> <p>end [10] - 10:5, 14:2, 22:16, 23:3, 28:23, 29:24, 34:2, 48:18, 52:19, 53:1</p> <p>end-payer [2] - 29:24, 48:18</p> <p>END-PAYER [2] - 1:15, 2:4</p> <p>ended [1] - 20:20</p> <p>ends [1] - 44:22</p> <p>engaged [4] - 10:22, 11:22, 16:11, 33:21</p> <p>ensure [1] - 48:14</p> <p>entered [1] - 22:5</p> <p>entertain [1] - 35:5</p> <p>entitled [1] - 60:11</p> <p>Entry [1] - 44:8</p> <p>EPIC [1] - 3:18</p> <p>EPP [1] - 55:13</p> <p>EPPs [5] - 25:3, 31:23, 49:16, 49:18, 50:10</p> <p>equally [3] - 25:19, 38:22, 45:8</p>	<p>ESQUIRE [18] - 1:14, 1:14, 1:21, 2:3, 2:4, 2:9, 2:14, 2:19, 3:4, 3:9, 3:13, 3:18, 3:22, 4:3, 4:8, 4:14, 4:19, 5:4</p> <p>essence [1] - 46:3</p> <p>essential [1] - 29:20</p> <p>essentially [1] - 51:7</p> <p>et [1] - 19:20</p> <p>evidence [1] - 42:16</p> <p>evolved [1] - 45:4</p> <p>exactly [1] - 57:4</p> <p>example [2] - 32:23, 36:10</p> <p>exceptions [1] - 54:1</p> <p>existing [1] - 49:18</p> <p>expand [3] - 49:20, 50:5, 58:6</p> <p>expanding [1] - 38:19</p> <p>expansive [3] - 20:7, 24:14, 52:16</p> <p>expect [3] - 23:18, 26:21, 42:22</p> <p>expectation [1] - 51:6</p> <p>expedite [1] - 14:3</p> <p>expedited [1] - 33:13</p> <p>explore [1] - 9:6</p> <p>extensions [1] - 13:23</p> <p>extensive [1] - 41:3</p> <p>extensively [5] - 25:7, 43:6, 45:7, 45:18</p> <p>extent [3] - 44:10, 49:24, 55:24</p> <p>extenuating [1] - 24:19</p> <p>extra [1] - 20:17</p> <p>eyes [2] - 7:23, 58:6</p> <p>F.Supp [1] - 33:12</p> <p>face [1] - 19:17</p> <p>faced [1] - 33:17</p> <p>fact [6] - 19:20, 38:17, 40:24, 42:15, 43:10, 43:12</p> <p>factual [1] - 28:12</p> <p>fair [1] - 15:9</p> <p>fairly [3] - 6:18, 6:22, 41:3</p> <p>FALKIN [1] - 3:22</p> <p>far [6] - 6:21, 11:6, 15:16, 15:18, 21:16, 24:8</p> <p>faster [2] - 21:4, 41:19</p> <p>favor [1] - 42:5</p> <p>federal [2] - 47:12, 47:13</p> <p>feedback [2] - 17:17, 17:18</p> <p>felt [2] - 19:21, 19:23</p> <p>few [2] - 39:13, 39:14</p> <p>Fifth [5] - 36:9, 38:18, 45:6, 45:8, 45:12</p> <p>figure [6] - 21:4, 28:5, 38:6, 43:20, 53:8, 54:4</p> <p>file [4] - 15:5, 48:19, 51:7, 51:15</p> <p>filed [29] - 21:25, 23:9, 23:17,</p>
---	--	--	---

<p>24:8, 26:6, 31:4, 31:12, 31:13, 31:20, 33:6, 33:9, 33:15, 33:18, 34:22, 36:1, 36:5, 40:9, 42:15, 43:11, 44:9, 44:20, 50:11, 50:22, 51:4, 51:10, 51:19, 55:3, 57:13, 57:14</p> <p>files [1] - 11:9</p> <p>filing [9] - 23:20, 37:19, 49:12, 50:21, 51:6, 51:23, 52:10, 54:18, 54:19</p> <p>fill [1] - 7:8</p> <p>final [2] - 48:12, 48:25</p> <p>finalize [1] - 16:22</p> <p>finally [3] - 51:20, 54:20, 59:3</p> <p>FINE [1] - 1:13</p> <p>finished [3] - 14:19, 14:20, 49:11</p> <p>firm [1] - 8:10</p> <p>firmly [1] - 10:10</p> <p>first [8] - 6:25, 8:7, 12:22, 21:12, 24:17, 31:11, 37:11, 43:2</p> <p>fixing [1] - 23:21</p> <p>flagging [1] - 30:25</p> <p>Floor [1] - 2:15</p> <p>Florida [1] - 2:11</p> <p>focus [1] - 30:18</p> <p>focused [4] - 26:11, 30:22, 53:10</p> <p>foils [1] - 19:18</p> <p>follow [1] - 19:19</p> <p>following [2] - 8:18, 30:15</p> <p>Footnote [1] - 43:24</p> <p>foregoing [1] - 60:10</p> <p>forgive [2] - 37:3, 56:18</p> <p>form [1] - 39:16</p> <p>format [1] - 18:23</p> <p>forth [3] - 10:18, 13:9, 38:16</p> <p>forward [12] - 10:12, 26:4, 28:15, 45:21, 46:8, 46:9, 46:12, 47:25, 48:17, 55:23, 56:6, 56:9</p> <p>Fosamax [1] - 33:11</p> <p>France [2] - 18:7, 47:7</p> <p>frank [1] - 9:22</p> <p>frankly [2] - 28:20, 46:19</p> <p>friendly [1] - 47:18</p> <p>front [3] - 29:6, 29:7, 59:24</p> <p>full [1] - 7:4</p> <p>fully [2] - 33:25, 50:24</p> <p>fundamental [1] - 46:10</p> <p>future [5] - 18:5, 19:18, 22:7, 43:12, 43:15</p> <p>GENERAL [2] - 1:17, 1:21</p> <p>general [2] - 6:14, 10:7</p> <p>General [1] - 16:10</p> <p>GENERAL'S [1] - 1:20</p>	<p>GENERIC [1] - 1:4</p> <p>Generic [1] - 6:5</p> <p>germane [2] - 37:25, 38:3</p> <p>given [3] - 8:9, 10:6, 38:18</p> <p>GLENMARK [1] - 4:3</p> <p>Glenmark [14] - 35:18, 35:22, 35:23, 36:1, 37:4, 37:22, 38:13, 39:6, 39:23, 40:19, 40:20, 41:6, 41:13, 42:21</p> <p>Glenmark's [2] - 37:21, 41:12</p> <p>goals [1] - 46:10</p> <p>GOODRICH [1] - 2:14</p> <p>grand [3] - 36:5, 37:11, 37:20</p> <p>granting [2] - 13:23, 36:19</p> <p>great [2] - 17:10, 28:1</p> <p>ground [1] - 49:21</p> <p>group [2] - 28:24, 54:9</p> <p>groups [3] - 28:11, 28:16, 29:22</p> <p>guess [3] - 32:8, 35:24, 52:9</p> <p>guidance [2] - 38:12, 44:13</p> <p>guide [2] - 13:15, 46:24</p> <p>HAMILTON [1] - 3:3</p> <p>handful [1] - 14:21</p> <p>handle [1] - 24:15</p> <p>handling [2] - 36:3, 58:25</p> <p>hands [1] - 19:13</p> <p>happy [5] - 15:19, 17:2, 28:4, 38:17, 39:21</p> <p>hard [2] - 7:8, 20:6</p> <p>harder [2] - 21:2</p> <p>HARRISON [1] - 4:18</p> <p>Hartford [1] - 1:22</p> <p>heads [1] - 21:5</p> <p>hear [14] - 6:10, 15:23, 22:14, 22:19, 22:21, 23:25, 24:16, 24:23, 26:22, 30:20, 52:20, 53:14, 59:21</p> <p>heard [6] - 47:20, 50:19, 55:18, 56:2, 56:3, 56:4</p> <p>hearing [5] - 6:8, 6:9, 17:18, 17:25, 53:16</p> <p>hearings [2] - 18:5, 53:23</p> <p>heart [1] - 31:16</p> <p>HEB [2] - 43:25, 51:17</p> <p>hello [1] - 16:5</p> <p>help [5] - 20:10, 21:6, 46:24, 59:11, 59:12</p> <p>helpful [1] - 22:12</p> <p>Heritage [6] - 26:23, 32:1, 32:6, 32:7, 33:24, 45:9</p> <p>Heritage-based [1] - 32:1</p> <p>herself [1] - 21:22</p> <p>hesitant [1] - 9:22</p> <p>highest [1] - 7:22</p> <p>Hip [1] - 32:25</p> <p>hoc [1] - 36:12</p> <p>hold [1] - 19:15</p>	<p>holding [1] - 10:14</p> <p>holidays [1] - 19:2</p> <p>Hollywood [1] - 30:12</p> <p>home [2] - 20:15, 21:14</p> <p>homes [1] - 20:20</p> <p>Honor [58] - 6:12, 9:20, 12:6, 14:20, 15:4, 15:25, 16:1, 16:3, 16:9, 16:18, 17:11, 17:13, 19:1, 22:23, 23:2, 24:2, 25:1, 29:10, 30:11, 33:24, 34:18, 35:5, 36:21, 37:3, 37:9, 37:21, 37:25, 38:7, 40:3, 40:16, 42:9, 42:25, 43:18, 44:19, 48:9, 49:7, 50:10, 50:17, 51:3, 51:20, 52:2, 52:4, 54:15, 55:6, 55:17, 55:20, 56:2, 56:16, 56:20, 56:21, 56:25, 57:3, 57:11, 57:12, 57:22, 58:10, 59:23, 60:6</p> <p>HONORABLE [1] - 1:10</p> <p>hoops [1] - 47:5</p> <p>hope [6] - 10:9, 10:24, 53:6, 57:6, 58:16, 58:24</p> <p>hopefully [2] - 58:2, 58:8</p> <p>hoping [2] - 24:13, 52:18</p> <p>host [1] - 38:21</p> <p>housekeeping [1] - 23:4</p> <p>ideas [1] - 14:16</p> <p>identified [1] - 40:25</p> <p>IDISCOVERY [1] - 5:3</p> <p>image [1] - 44:7</p> <p>impact [2] - 45:13, 57:2</p> <p>imparted [1] - 39:22</p> <p>impediment [1] - 28:20</p> <p>implementation [1] - 44:16</p> <p>implicate [1] - 44:19</p> <p>implications [1] - 45:8</p> <p>important [5] - 34:5, 34:10, 37:16, 38:14, 45:10</p> <p>INC [1] - 4:4</p> <p>inclined [1] - 21:9</p> <p>include [4] - 22:9, 39:23, 43:25, 54:11</p> <p>included [1] - 46:20</p> <p>includes [1] - 54:17</p> <p>inclusion [2] - 33:14, 44:10</p> <p>inclusive [1] - 44:11</p> <p>incorporated [1] - 8:2</p> <p>incremental [1] - 7:13</p> <p>indicated [2] - 14:12, 45:11</p> <p>indicted [2] - 41:8, 41:10</p> <p>indictment [6] - 36:1, 36:5, 36:8, 37:12, 40:23, 41:4</p> <p>indictments [3] - 36:3, 36:20, 43:11</p> <p>INDIRECT [1] - 1:16</p> <p>individual [7] - 8:13, 26:5, 32:9, 35:10, 35:13, 41:3, 44:8</p>	<p>individualized [2] - 8:16, 9:4</p> <p>industry [1] - 23:21</p> <p>infeasible [1] - 44:3</p> <p>inform [1] - 35:24</p> <p>informal [4] - 12:10, 12:12, 58:18, 58:21</p> <p>information [15] - 14:25, 36:4, 36:6, 37:12, 37:18, 37:23, 39:21, 40:8, 40:20, 40:23, 41:9, 41:11, 41:16, 42:15, 46:24</p> <p>informations [2] - 37:19, 43:11</p> <p>informative [1] - 43:8</p> <p>informed [2] - 24:6, 50:24</p> <p>informing [1] - 35:14</p> <p>ingenious [3] - 45:20, 59:4, 59:9</p> <p>initial [2] - 7:20, 9:12</p> <p>instead [3] - 8:12, 11:12, 11:18</p> <p>instructive [1] - 22:12</p> <p>intend [6] - 12:3, 37:24, 48:18, 48:21, 50:25, 56:12</p> <p>intent [1] - 50:13</p> <p>intention [2] - 11:1, 23:21</p> <p>interest [3] - 40:9, 50:23, 51:14</p> <p>interests [1] - 27:13</p> <p>interpreted [1] - 50:20</p> <p>interrelated [1] - 6:20</p> <p>interrogatories [1] - 15:15</p> <p>interrupt [1] - 12:6</p> <p>interrupting [3] - 24:4, 37:3, 37:5</p> <p>interruption [2] - 24:3, 37:6</p> <p>INTERVENOR [1] - 4:8</p> <p>investigation [7] - 28:13, 36:8, 36:16, 40:22, 41:22, 42:3, 52:17</p> <p>involve [1] - 40:23</p> <p>involved [3] - 28:9, 29:21, 44:15</p> <p>involving [2] - 57:25, 58:16</p> <p>IRPs [1] - 31:23</p> <p>issue [22] - 9:21, 10:15, 10:18, 11:12, 11:23, 23:8, 25:13, 30:4, 32:23, 34:24, 35:4, 37:10, 37:13, 37:23, 37:25, 38:14, 42:24, 47:1, 48:11, 49:2, 54:13, 55:21</p> <p>issued [2] - 12:10, 58:18</p> <p>issues [30] - 6:19, 6:23, 22:10, 22:11, 22:16, 24:17, 24:19, 24:23, 25:18, 25:21, 26:7, 31:17, 32:14, 38:21, 44:19, 45:5, 45:6, 45:12, 45:17, 46:5, 46:9, 46:15, 46:23, 51:12, 51:13, 55:20, 58:15, 58:20, 58:23, 59:17</p>
---	---	--	---

<p>ISTVAN [6] - 1:15, 29:10, 29:13, 40:18, 55:6, 55:9</p> <p>Istvan [3] - 25:3, 29:10, 40:17</p> <p>jabber@backstromlaw.com [1] - 3:24</p> <p>James [1] - 1:7</p> <p>JAMES [1] - 3:22</p> <p>Jan [1] - 55:17</p> <p>JAN [1] - 3:4</p> <p>jan.levine@troutman.com [1] - 3:6</p> <p>January [1] - 51:4</p> <p>Jeff [2] - 25:3, 29:10</p> <p>JEFFREY [1] - 1:15</p> <p>JING [1] - 3:18</p> <p>jistvan@finekaplan.com [1] - 1:18</p> <p>jnroda@nastlaw.com [1] - 2:7</p> <p>Joe [2] - 25:1, 29:19</p> <p>join [1] - 24:9</p> <p>joined [1] - 59:18</p> <p>joint [2] - 6:7, 22:18</p> <p>JOSEPH [2] - 1:21, 2:4</p> <p>joseph.nielsen@ct.gov [1] - 1:23</p> <p>joyous [1] - 20:1</p> <p>judge [3] - 43:1, 47:4, 47:13</p> <p>Judge [6] - 33:3, 33:12, 36:2, 37:13, 37:24, 38:5</p> <p>judges [2] - 33:17, 47:11</p> <p>judgment [4] - 27:5, 30:23, 34:3, 46:5</p> <p>judicial [1] - 47:12</p> <p>July [4] - 1:8, 6:8, 13:8, 60:15</p> <p>June [4] - 7:5, 24:6, 52:18, 54:11</p> <p>jurisdiction [1] - 21:14</p> <p>jury [6] - 21:16, 30:5, 30:7, 36:5, 37:12, 37:20</p> <p>JUSTICE [1] - 4:8</p> <p>justice [3] - 27:13, 53:7, 53:8</p> <p>Justice [2] - 32:17, 47:5</p> <p>jxia@tarterkrinsky.com [1] - 3:20</p> <p>KAPLAN [1] - 1:13</p> <p>KASOWITZ [1] - 3:8</p> <p>Keenan [1] - 33:12</p> <p>keep [3] - 14:16, 40:11, 50:4</p> <p>KENNY [1] - 2:9</p> <p>keyed [2] - 8:11, 8:13</p> <p>kind [3] - 13:10, 42:21, 47:10</p> <p>KIRKLAND [1] - 3:13</p> <p>Kirkpatrick [1] - 16:4</p> <p>KIRKPATRICK [7] - 2:19, 16:1, 16:3, 16:6, 17:1, 17:10, 22:23</p>	<p>knock [1] - 20:16</p> <p>known [1] - 43:13</p> <p>knows [5] - 6:17, 10:15, 15:4, 16:9, 42:25</p> <p>KORPUS [11] - 3:9, 30:11, 30:15, 32:19, 35:7, 35:9, 36:21, 52:4, 52:6, 53:6, 54:15</p> <p>Korpus [5] - 30:10, 30:11, 34:19, 45:18, 45:23</p> <p>KRINSKY [1] - 3:17</p> <p>Kroger [5] - 43:24, 43:25, 44:20, 50:24, 51:16</p> <p>landscape [1] - 48:15</p> <p>language [1] - 12:3</p> <p>large [1] - 25:16</p> <p>largest [1] - 29:22</p> <p>last [13] - 6:14, 15:12, 21:9, 23:9, 23:10, 23:17, 23:18, 24:11, 49:17, 50:11, 52:11, 58:4</p> <p>law [1] - 32:22</p> <p>lawyer [2] - 27:25, 56:17</p> <p>leadership [5] - 7:5, 18:13, 18:24, 19:12, 54:23</p> <p>leading [3] - 26:9, 30:4, 30:23</p> <p>learn [3] - 19:22, 30:6, 30:7</p> <p>least [6] - 17:7, 18:17, 20:17, 31:11, 45:6, 52:15</p> <p>leave [6] - 32:21, 33:20, 51:4, 51:6, 51:11, 51:17</p> <p>leaves [1] - 31:8</p> <p>left [1] - 9:19</p> <p>legacy [1] - 51:16</p> <p>legal [3] - 22:7, 22:8, 22:19</p> <p>lengthen [1] - 59:2</p> <p>less [2] - 39:14, 42:6</p> <p>letter [4] - 35:17, 35:23, 38:16, 39:5</p> <p>letters [1] - 58:7</p> <p>level [4] - 7:22, 7:24, 8:19, 8:23</p> <p>LEVINE [3] - 3:4, 55:17, 56:10</p> <p>Levine [2] - 55:17, 56:20</p> <p>LEWIS [2] - 4:3, 4:18</p> <p>Lexecon [33] - 21:23, 22:16, 22:24, 23:4, 24:17, 24:20, 24:23, 25:5, 25:7, 25:12, 25:18, 25:21, 26:7, 26:19, 27:1, 27:2, 27:4, 28:20, 29:25, 30:16, 31:3, 31:7, 33:9, 33:10, 33:15, 38:4, 44:19, 45:5, 46:15, 46:20, 47:18, 47:21</p> <p>Lexecon-related [1] - 26:7</p> <p>Lexington [1] - 3:14</p> <p>Lexus [1] - 33:2</p> <p>liability [2] - 41:24, 42:3</p>	<p>Liability [1] - 33:12</p> <p>LIAISON [6] - 2:9, 2:14, 2:19, 3:3, 3:8, 3:13</p> <p>Liberty [1] - 4:14</p> <p>LIEBENBERG [1] - 1:14</p> <p>light [1] - 49:1</p> <p>likely [1] - 9:19</p> <p>likewise [1] - 51:24</p> <p>limit [1] - 10:16</p> <p>limitations [1] - 55:4</p> <p>limits [1] - 38:20</p> <p>line [5] - 48:19, 49:19, 49:22, 52:16, 54:4</p> <p>lines [1] - 57:5</p> <p>list [6] - 17:22, 41:14, 41:17, 45:11, 58:5, 58:6</p> <p>lists [1] - 22:9</p> <p>LITIGATION [1] - 1:5</p> <p>Litigation [2] - 6:5, 33:12</p> <p>litigation [5] - 35:5, 36:17, 41:7, 46:24</p> <p>live [1] - 19:25</p> <p>LLC [2] - 2:3, 3:18</p> <p>LLP [7] - 2:19, 3:3, 3:8, 3:13, 3:17, 4:3, 4:13</p> <p>Logan [1] - 3:4</p> <p>logs [4] - 7:10, 7:12, 7:14, 11:25</p> <p>look [4] - 17:2, 17:7, 31:12, 32:22</p> <p>looked [1] - 28:8</p> <p>looking [6] - 8:3, 14:3, 17:22, 20:9, 22:7, 42:21</p> <p>loss [1] - 19:23</p> <p>love [1] - 27:18</p> <p>lowest [1] - 27:22</p> <p>M/L [1] - 32:25</p> <p>ma'am [1] - 14:14</p> <p>maintain [1] - 8:23</p> <p>major [1] - 22:2</p> <p>manageable [1] - 32:2</p> <p>management [11] - 6:11, 6:16, 6:19, 7:7, 7:21, 11:9, 15:19, 18:4, 34:20, 48:11, 51:22</p> <p>management-wise [1] - 34:20</p> <p>MARC [1] - 3:22</p> <p>March [2] - 6:14, 40:9</p> <p>Marie [2] - 5:18, 60:14</p> <p>Marion [8] - 14:6, 14:12, 25:9, 26:3, 30:18, 46:7, 55:11, 58:12</p> <p>MARION [5] - 4:14, 12:6, 12:9, 14:7, 58:14</p> <p>Marion's [3] - 11:24, 28:21, 45:16</p> <p>mariond@whiteandwilliams.com [1] - 4:16</p>	<p>Market [5] - 2:4, 3:22, 4:4, 4:15, 4:19</p> <p>masks [1] - 20:1</p> <p>Master [13] - 14:11, 15:1, 25:9, 26:3, 28:21, 30:17, 39:12, 45:16, 46:7, 55:11, 57:8, 57:19, 58:12</p> <p>master [3] - 36:11, 44:17, 45:19</p> <p>MASTER [12] - 4:13, 4:18, 5:3, 12:6, 12:9, 14:7, 14:14, 57:11, 57:21, 57:24, 58:14, 59:12</p> <p>master's [1] - 43:23</p> <p>Masters [1] - 57:7</p> <p>masters [5] - 11:23, 18:11, 20:10, 39:8, 53:10</p> <p>matter [6] - 23:4, 43:1, 43:2, 48:3, 58:25, 60:11</p> <p>MDL [32] - 1:3, 6:5, 6:18, 15:7, 15:12, 20:8, 21:11, 21:12, 22:10, 23:11, 23:19, 24:9, 24:10, 25:15, 26:5, 31:16, 32:24, 42:22, 43:8, 45:9, 46:12, 47:4, 48:20, 49:15, 49:20, 49:23, 50:5, 51:19, 51:25, 52:7, 54:21</p> <p>MDLs [1] - 47:15</p> <p>mean [4] - 8:18, 22:11, 50:7, 54:6</p> <p>means [4] - 22:11, 42:15, 46:25, 59:25</p> <p>mechanism [2] - 33:4, 47:10</p> <p>mechanisms [1] - 47:24</p> <p>meet [2] - 13:22, 15:15</p> <p>meeting [2] - 6:8, 30:20</p> <p>meetings [5] - 18:5, 18:9, 18:20, 19:19, 30:17</p> <p>memorialize [1] - 12:2</p> <p>mention [1] - 35:9</p> <p>mentioned [5] - 26:17, 27:16, 30:16, 35:22, 58:25</p> <p>MERENSTEIN [4] - 4:19, 57:21, 57:24, 59:12</p> <p>Merenstein [3] - 15:1, 39:12, 57:19</p> <p>merits [1] - 45:5</p> <p>mess [1] - 52:21</p> <p>met [5] - 10:10, 21:9, 24:7, 25:8, 33:18</p> <p>Miami [1] - 2:11</p> <p>microphone [2] - 17:20, 60:2</p> <p>midst [1] - 14:23</p> <p>might [9] - 35:25, 36:8, 41:8, 41:10, 42:1, 43:11, 52:25, 53:24</p> <p>million [2] - 13:25, 14:1</p> <p>mind [1] - 39:9</p> <p>minimum [1] - 29:25</p>
--	---	--	---

<p>mirror ^[1] - 44:7</p> <p>miss ^[1] - 18:8</p> <p>missed ^[1] - 25:2</p> <p>missing ^[1] - 12:14</p> <p>mistake ^[1] - 30:24</p> <p>mistaken ^[1] - 32:17</p> <p>Mitchell ^[2] - 5:18, 60:14</p> <p>modifying ^[1] - 25:11</p> <p>moment ^[4] - 18:15, 38:8, 39:24, 59:20</p> <p>momentous ^[1] - 24:14</p> <p>Monday ^[1] - 19:25</p> <p>month ^[1] - 60:5</p> <p>monthly ^[1] - 54:23</p> <p>months ^[5] - 15:5, 18:17, 20:3, 33:21, 49:17</p> <p>MORGAN ^[1] - 4:3</p> <p>morning ^[2] - 12:10, 20:21</p> <p>most ^[14] - 23:7, 25:22, 26:12, 27:21, 31:21, 43:7, 45:10, 46:12, 46:13, 46:23, 49:14, 51:19, 52:25</p> <p>motion ^[9] - 27:7, 44:5, 51:4, 51:6, 51:11, 51:17, 52:9, 52:11, 58:22</p> <p>motions ^[7] - 20:17, 20:18, 21:21, 22:13, 34:1, 36:14, 44:23</p> <p>move ^[12] - 28:14, 37:15, 43:8, 45:20, 46:9, 46:12, 48:6, 50:14, 53:12, 55:5, 55:23</p> <p>moving ^[3] - 10:11, 17:8, 47:25</p> <p>MR ^[58] - 6:12, 9:11, 9:15, 9:20, 10:7, 11:5, 14:20, 15:25, 17:13, 17:15, 17:21, 22:25, 23:2, 23:6, 23:15, 23:24, 24:2, 25:1, 28:2, 29:10, 29:13, 30:11, 30:15, 32:19, 34:18, 35:7, 35:9, 36:21, 37:3, 37:8, 37:21, 38:7, 38:10, 40:3, 40:7, 40:16, 40:18, 42:9, 42:13, 43:18, 45:3, 48:9, 49:7, 49:10, 50:10, 50:17, 52:4, 52:6, 53:6, 54:15, 55:6, 55:9, 56:2, 56:16, 56:25, 57:3, 59:23, 60:1</p> <p>MS ^[11] - 16:1, 16:3, 16:6, 17:1, 17:10, 19:1, 19:6, 19:12, 22:23, 55:17, 56:10</p> <p>multidrug ^[1] - 25:23</p> <p>multitude ^[1] - 20:8</p> <p>must ^[2] - 20:2, 27:25</p> <p>mute ^[6] - 17:16, 17:21, 17:23, 22:21, 43:19, 45:3</p> <p>muted ^[1] - 17:24</p> <p>N.W ^[1] - 2:20</p> <p>NACHWALTER ^[1] - 2:9</p>	<p>NAST ^[4] - 2:3, 19:1, 19:6, 19:12</p> <p>NASTLAW ^[1] - 2:3</p> <p>nature ^[1] - 36:3</p> <p>near ^[1] - 19:17</p> <p>necessarily ^[1] - 10:14</p> <p>necessary ^[4] - 17:9, 21:21, 27:8, 27:15</p> <p>need ^[11] - 18:9, 19:17, 21:2, 29:3, 31:5, 34:7, 35:12, 42:14, 51:5, 56:18, 59:22</p> <p>needed ^[2] - 21:5, 23:25</p> <p>needs ^[3] - 20:7, 21:17, 57:1</p> <p>neglect ^[2] - 35:7, 35:9</p> <p>negotiated ^[1] - 9:9</p> <p>negotiating ^[1] - 51:23</p> <p>negotiations ^[4] - 6:11, 15:19, 18:4, 19:19</p> <p>never ^[7] - 20:22, 23:20, 47:1, 47:12, 47:16, 54:5, 55:2</p> <p>new ^[8] - 11:7, 20:25, 23:7, 24:8, 35:25, 49:21, 52:10, 54:19</p> <p>New ^[9] - 2:16, 3:10, 3:14, 3:19, 32:24</p> <p>newer ^[1] - 9:13</p> <p>next ^[14] - 15:3, 15:8, 15:17, 17:19, 18:23, 19:15, 20:3, 40:23, 48:21, 50:6, 50:14, 54:23, 56:17, 58:8</p> <p>nice ^[3] - 6:3, 30:13, 30:14</p> <p>Nicole ^[1] - 17:24</p> <p>Nielsen ^[11] - 23:8, 23:14, 25:1, 29:8, 30:20, 31:14, 32:3, 34:13, 45:2, 49:12, 59:4</p> <p>NIELSEN ^[5] - 1:21, 23:15, 25:1, 28:2, 45:3</p> <p>night ^[1] - 20:21</p> <p>NO ^[1] - 1:4</p> <p>noise ^[1] - 59:25</p> <p>non ^[1] - 46:15</p> <p>non-Lexecon ^[1] - 46:15</p> <p>noncontroversial ^[1] - 29:18</p> <p>nonissue ^[1] - 27:2</p> <p>note ^[5] - 7:6, 12:9, 15:11, 16:18, 43:22</p> <p>notes ^[2] - 43:23, 44:17</p> <p>nothing ^[7] - 14:14, 19:6, 22:21, 22:22, 36:17, 57:15, 57:24</p> <p>November ^[2] - 18:18, 19:15</p> <p>Number ^[1] - 44:8</p> <p>number ^[7] - 7:7, 13:16, 28:18, 39:9, 43:4, 44:1, 45:10</p> <p>NW ^[2] - 4:9, 5:4</p> <p>object ^[5] - 12:11, 12:16, 12:23, 13:7, 13:8</p>	<p>objection ^[3] - 57:13, 57:17, 60:4</p> <p>objections ^[7] - 12:25, 13:12, 13:15, 13:16, 18:22, 18:25, 33:7</p> <p>obligations ^[1] - 8:21</p> <p>observations ^[1] - 24:22</p> <p>obvious ^[1] - 43:2</p> <p>obviously ^[3] - 14:10, 28:12, 38:11</p> <p>occurs ^[1] - 44:11</p> <p>October ^[6] - 18:17, 19:8, 19:9, 19:11, 19:15, 53:24</p> <p>offer ^[1] - 55:6</p> <p>OFFICE ^[1] - 1:20</p> <p>Official ^[2] - 5:18, 60:14</p> <p>offline ^[1] - 56:24</p> <p>old ^[1] - 9:17</p> <p>once ^[4] - 12:3, 23:13, 27:4, 34:12</p> <p>one ^[31] - 6:21, 12:14, 16:18, 17:7, 18:3, 19:13, 21:12, 21:15, 23:3, 24:12, 31:14, 34:19, 34:20, 35:21, 37:11, 38:6, 40:23, 40:25, 41:17, 45:15, 46:10, 46:11, 47:13, 52:12, 52:22, 55:6, 55:18, 57:25, 58:15, 60:5</p> <p>One ^[2] - 1:15, 4:14</p> <p>ones ^[6] - 20:18, 31:24, 32:4, 32:6, 32:7, 32:8</p> <p>ongoing ^[4] - 11:24, 14:22, 40:22, 48:24</p> <p>operative ^[1] - 55:24</p> <p>opportunities ^[1] - 39:9</p> <p>opportunity ^[3] - 37:9, 43:21, 52:2</p> <p>opposed ^[1] - 52:11</p> <p>opposing ^[1] - 52:12</p> <p>options ^[1] - 39:1</p> <p>oral ^[4] - 6:9, 18:19, 45:23, 46:16</p> <p>Order ^[1] - 7:3</p> <p>order ^[18] - 6:1, 6:11, 6:16, 6:19, 7:7, 7:21, 7:25, 11:10, 16:22, 18:4, 21:20, 22:5, 29:14, 31:9, 31:19, 49:19, 51:22, 54:2</p> <p>original ^[1] - 29:15</p> <p>otherwise ^[4] - 10:6, 37:19, 42:17, 46:6</p> <p>outlined ^[2] - 34:21, 34:25</p> <p>outside ^[1] - 7:23</p> <p>outstanding ^[1] - 58:21</p> <p>overarching ^[28] - 24:11, 25:16, 25:20, 25:22, 26:1, 26:7, 26:10, 26:23, 28:9, 28:22, 29:1, 31:15, 31:20, 31:22, 32:1, 32:7, 32:11, 34:23, 35:1, 35:3, 35:11,</p>	<p>35:16, 44:7, 45:25, 53:16, 56:6, 56:11</p> <p>overlap ^[1] - 42:18</p> <p>overlapping ^[1] - 34:8</p> <p>overruled ^[1] - 33:7</p> <p>own ^[1] - 47:15</p> <p>p.m ^[3] - 1:9, 6:1, 60:7</p> <p>PA ^[3] - 2:9, 21:13, 22:1</p> <p>pace ^[1] - 10:14</p> <p>package ^[1] - 17:5</p> <p>page ^[1] - 43:23</p> <p>Pak ^[5] - 23:1, 23:25, 34:18, 49:3, 50:19</p> <p>PAK ^[7] - 2:14, 22:25, 23:2, 23:6, 23:24, 24:2, 34:18</p> <p>Pak's ^[2] - 48:13, 49:10</p> <p>pandemic ^[3] - 10:6, 19:18, 21:15</p> <p>panel ^[1] - 24:9</p> <p>paragraph ^[1] - 14:3</p> <p>parallel ^[2] - 33:22, 38:21</p> <p>part ^[11] - 23:19, 24:1, 25:17, 25:20, 26:23, 35:13, 48:16, 48:24, 51:25, 55:23, 56:2</p> <p>participant ^[1] - 17:22</p> <p>participate ^[5] - 28:10, 33:25, 41:5, 42:22, 44:2</p> <p>particular ^[5] - 16:9, 25:25, 35:18, 36:19, 45:9</p> <p>particularly ^[1] - 16:10</p> <p>parties ^[29] - 6:15, 6:20, 7:12, 7:18, 8:3, 9:8, 9:20, 12:1, 12:13, 13:3, 13:15, 13:18, 14:7, 15:3, 15:7, 16:7, 16:11, 16:21, 23:7, 27:1, 27:12, 33:3, 33:13, 35:14, 40:11, 51:22, 53:17, 58:7, 58:19</p> <p>parties' ^[2] - 10:16, 54:6</p> <p>party ^[3] - 13:21, 22:11, 25:15</p> <p>pass ^[3] - 39:17, 41:7, 42:21</p> <p>past ^[3] - 15:5, 54:5</p> <p>Paul ^[3] - 6:12, 48:9, 49:7</p> <p>PAUL ^[1] - 1:14</p> <p>payer ^[2] - 29:24, 48:18</p> <p>PAYER ^[2] - 1:15, 2:4</p> <p>PC ^[1] - 2:14</p> <p>pcosta@finekaplan.com ^[1] - 1:18</p> <p>pendency ^[1] - 46:3</p> <p>pending ^[10] - 16:18, 26:5, 27:10, 32:24, 36:8, 40:24, 44:5, 53:15, 58:24</p> <p>Pennsylvania ^[11] - 1:16, 2:5, 3:5, 3:23, 4:4, 4:15, 4:20, 34:22, 44:21, 58:17, 58:22</p> <p>PENNSYLVANIA ^[1] - 1:1</p> <p>people ^[2] - 19:18, 37:8</p>
--	---	---	--

<p>PEPPER [1] - 3:3 per [1] - 34:2 perceive [1] - 20:2 perceived [1] - 9:17 perfect [1] - 52:23 perform [1] - 9:4 perhaps [3] - 18:16, 19:15, 22:18 period [2] - 8:22, 10:3 permanent [1] - 8:19 permeated [1] - 36:17 permit [1] - 52:24 person [4] - 28:4, 28:6, 40:1, 40:2 personal [1] - 19:24 perspective [7] - 10:2, 10:22, 26:14, 26:15, 28:7, 28:13, 49:24 pertinent [1] - 59:8 PHARMA [1] - 3:18 PHARMACEUTICALS [2] - 1:4, 4:4 Pharmaceuticals [1] - 6:5 pharmacies [1] - 44:1 Philadelphia [14] - 1:16, 2:5, 3:5, 3:23, 4:4, 4:15, 4:20, 26:6, 26:20, 26:25, 27:7, 27:11, 28:3, 30:21 philosophical [1] - 21:11 phone [2] - 40:5, 43:19 phrase [1] - 52:21 pick [2] - 17:20, 54:22 piece [1] - 41:19 place [2] - 9:5, 27:23 Place [1] - 4:14 plaintiff [3] - 29:22, 32:20, 51:11 plaintiffs [38] - 6:13, 9:5, 12:11, 12:15, 12:21, 14:15, 15:5, 15:11, 16:8, 16:16, 16:19, 16:20, 24:17, 24:22, 24:25, 25:17, 28:10, 28:24, 29:9, 29:11, 29:23, 29:24, 31:22, 33:8, 34:21, 35:11, 39:7, 43:19, 47:20, 48:9, 48:15, 48:18, 49:17, 51:16, 51:21, 54:19 PLAINTIFFS [7] - 1:14, 1:15, 1:17, 1:21, 2:4, 2:5, 2:9 Plaintiffs [3] - 43:24, 44:20, 50:25 plaintiffs' [9] - 10:2, 10:9, 10:21, 11:20, 13:5, 13:21, 16:22, 29:20, 33:23 plan [2] - 23:16, 50:4 planning [1] - 44:16 plead [1] - 45:12 pleading [1] - 51:10 plus [1] - 47:18 point [14] - 25:14, 31:5,</p>	<p>33:25, 34:4, 34:11, 34:12, 34:19, 36:15, 37:11, 38:11, 38:24, 43:5, 45:7, 45:15 points [2] - 46:14, 50:18 pool [3] - 33:5, 33:8, 33:14 poor [1] - 42:20 pose [1] - 15:21 position [6] - 31:3, 32:1, 34:8, 40:9, 40:10, 47:23 possibility [1] - 27:17 possible [9] - 22:14, 26:25, 29:7, 39:19, 39:20, 41:18, 41:25, 53:12 possibly [3] - 20:3, 25:3, 36:16 potential [3] - 41:4, 43:14, 44:23 potentially [2] - 27:23, 28:16 practice [2] - 20:23, 36:14 pravastatin [17] - 29:15, 35:17, 38:22, 39:2, 40:21, 40:25, 41:16, 41:19, 41:23, 42:1, 42:4, 42:5, 42:17, 42:20, 43:9, 55:14 prayer [1] - 52:15 precisely [1] - 42:19 preclusion [1] - 47:16 prefer [2] - 18:11, 29:7 preferably [1] - 32:7 prefers [1] - 56:22 prepared [3] - 5:21, 22:6, 27:4 present [2] - 13:25, 22:18 presentation [1] - 13:12 presented [3] - 10:8, 10:10, 54:3 presents [1] - 43:10 preside [8] - 25:25, 26:13, 26:16, 27:19, 28:19, 31:9, 31:10, 31:19 presiding [1] - 43:1 presume [1] - 26:24 pretrial [2] - 21:21, 30:23 Pretrial [1] - 7:3 pretty [5] - 27:13, 43:2, 48:4, 49:5, 54:11 prevent [2] - 48:23, 55:4 previously [1] - 23:16 price [1] - 23:20 PRICING [1] - 1:5 Pricing [1] - 6:5 primarily [2] - 12:22, 39:10 primary [1] - 53:15 prioritize [1] - 40:12 prioritizing [1] - 33:23 priority [1] - 25:21 private [15] - 15:4, 15:11, 16:16, 16:22, 20:23, 29:11, 31:21, 32:20, 33:22, 34:21, 35:10, 36:6, 48:15, 49:17,</p>	<p>54:18 privilege [5] - 7:10, 7:12, 7:14, 7:15, 11:25 problem [4] - 33:10, 40:7, 43:13, 60:3 problematic [1] - 54:12 problems [1] - 43:14 procedural [2] - 44:24, 51:12 procedure [2] - 8:8, 9:7 Procedure [1] - 38:21 procedures [5] - 7:18, 9:14, 10:4, 11:7, 56:22 proceed [10] - 11:3, 15:8, 34:4, 34:10, 34:21, 37:12, 37:23, 43:2, 45:24, 46:4 proceeding [3] - 6:2, 38:18, 42:24 proceedings [4] - 39:6, 44:3, 46:4, 60:11 Proceedings [2] - 5:21, 60:7 process [12] - 7:21, 8:1, 8:2, 9:4, 14:2, 14:4, 25:8, 25:12, 25:15, 26:9, 29:21, 30:23 processes [1] - 9:24 produce [2] - 7:22, 58:22 produced [5] - 11:8, 12:18, 13:17, 14:1, 14:2 producing [3] - 8:17, 16:16 Product [1] - 33:11 product [2] - 7:16, 42:23 production [10] - 7:1, 7:10, 8:12, 8:13, 8:20, 11:14, 12:25, 14:4, 14:24, 58:16 productions [3] - 13:7, 15:2, 16:14 productive [1] - 43:7 productivity [1] - 19:21 profess [1] - 15:15 progress [6] - 6:24, 16:13, 16:17, 40:13, 48:23, 49:25 promote [1] - 24:19 promptly [1] - 38:15 proper [1] - 34:13 proposal [9] - 12:17, 13:6, 26:2, 34:14, 34:20, 34:25, 45:19, 45:22, 45:23 proposals [2] - 25:11 proposed [12] - 6:7, 8:25, 12:17, 22:18, 26:22, 26:24, 35:10, 45:18, 46:7, 51:7, 51:22, 55:10 proposing [2] - 26:24, 28:8 prosecution [1] - 41:23 protection [4] - 7:23, 7:25, 8:20, 8:23 protective [1] - 7:25 Protocol [1] - 8:1 provide [3] - 13:13, 44:12, 44:14 provided [2] - 16:8, 33:3</p>	<p>provides [1] - 11:15 proving [1] - 47:5 provisional [1] - 22:5 PSC [5] - 1:14, 1:15, 1:16, 2:4, 2:5 PT [1] - 14:3 PTO [10] - 7:21, 8:1, 8:2, 8:8, 9:3, 10:8, 10:9, 11:12, 11:14, 16:15 public [1] - 36:5 purchase [1] - 44:2 PURCHASER [2] - 1:14, 2:3 purchaser [2] - 16:19, 29:23 pursuant [3] - 9:2, 9:18, 16:15 put [4] - 20:11, 26:4, 53:19, 58:6 questioned [1] - 23:14 questions [7] - 15:20, 21:8, 47:19, 48:2, 56:17, 56:18, 56:21 quick [1] - 46:13 quickly [4] - 20:13, 28:15, 45:21, 46:10 quite [1] - 46:19 R&R [7] - 21:8, 34:6, 47:1, 47:17, 48:5, 57:13, 59:7 raise [2] - 24:14, 38:24 raised [5] - 22:10, 31:2, 37:13, 37:24, 55:21 raises [1] - 36:23 raising [1] - 31:22 randomly [1] - 33:5 rate [1] - 27:22 rather [4] - 8:4, 42:23, 49:21, 59:2 RDR [2] - 5:18, 60:14 Re [1] - 33:11 RE [1] - 1:3 reach [2] - 7:2, 10:24 reached [5] - 6:23, 7:12, 11:22, 15:13, 58:19 reaching [1] - 13:4 ready [2] - 14:15, 22:23 real [2] - 19:25, 45:13 realistic [2] - 53:19, 53:25 really [17] - 11:17, 21:5, 22:4, 23:19, 26:3, 26:7, 28:8, 29:25, 30:22, 32:10, 34:7, 36:17, 46:10, 47:2, 47:8, 55:4, 59:5 reargue [2] - 29:4, 43:5 reason [2] - 33:10, 36:13 reasonable [2] - 13:20, 13:23 reasons [8] - 29:3, 29:4, 31:25, 32:3, 32:5, 38:16, 38:22, 39:2 receipt [1] - 13:1 receive [3] - 7:4, 35:17,</p>
---	--	---	--

<p>39:21 received [1] - 58:7 recent [1] - 49:14 recently [2] - 14:25, 51:19 recognize [2] - 26:13, 38:19 recommendation [8] - 12:10, 12:12, 13:5, 22:5, 35:2, 43:23, 45:16, 58:18 recommendations [1] - 47:16 recommended [2] - 12:17, 28:21 reconsider [1] - 54:2 record [2] - 38:2, 60:11 redacted [1] - 7:15 redesignate [2] - 7:24, 8:9 redesignating [1] - 8:5 redesignation [1] - 9:4 redesignations [1] - 8:11 reduce [2] - 11:17, 13:16 REED [8] - 4:3, 37:3, 37:8, 37:21, 38:7, 38:10, 42:9, 42:13 Reed [9] - 37:4, 38:4, 38:9, 38:10, 39:4, 39:22, 42:9, 42:11, 43:16 referred [2] - 57:25, 58:4 referring [2] - 50:20, 51:9 reflected [2] - 51:1, 51:25 Regard [3] - 13:24, 14:11, 57:9 REGARD [3] - 5:4, 14:14, 57:11 regard [1] - 45:16 regarding [3] - 7:12, 7:17, 48:17 regardless [5] - 28:23, 28:24, 29:2, 29:5, 30:3 regroup [1] - 18:18 reiterate [1] - 40:8 related [2] - 23:20, 26:7 relating [3] - 15:16, 46:14, 48:11 relative [1] - 24:20 relying [1] - 21:4 remain [2] - 55:12, 55:14 remaining [1] - 13:8 remand [1] - 27:6 remarks [1] - 50:20 reminder [2] - 17:15, 57:14 renovation [1] - 10:4 repeat [2] - 37:16, 56:3 repeating [1] - 13:9 report [4] - 15:24, 43:23, 58:3, 58:21 Reporter [2] - 5:18, 60:14 reporter [1] - 37:14 represent [3] - 22:10, 24:22, 53:13</p>	<p>representative [2] - 26:4, 46:13 request [6] - 11:3, 11:8, 12:24, 13:2, 39:23, 54:15 requests [9] - 7:11, 11:13, 11:21, 12:12, 12:16, 13:8, 13:12, 13:15, 15:14 requires [3] - 18:20, 50:1, 59:3 RESELLERS [1] - 1:16 resolution [1] - 58:16 resolve [2] - 11:23, 58:2 resolved [3] - 46:6, 58:15, 58:24 resources [1] - 21:20 respect [7] - 38:12, 41:12, 42:3, 42:17, 48:12, 50:14, 55:9 respectful [1] - 56:20 respectfully [1] - 39:1 respectively [1] - 43:9 respects [1] - 45:20 respond [4] - 14:8, 40:18, 49:8, 52:4 response [3] - 11:21, 48:4, 53:11 RESPONSE [1] - 60:6 responses [1] - 15:14 rest [4] - 15:16, 22:13, 46:24 resting [1] - 24:5 results [1] - 44:13 retail [1] - 44:1 retired [1] - 20:20 returned [1] - 19:25 review [3] - 7:6, 9:4, 19:20 reviewed [2] - 17:5, 17:6 revise [1] - 6:15 revised [3] - 6:11, 7:18, 18:3 revolted [1] - 20:24 rewards [1] - 35:15 rights [4] - 26:19, 27:1, 27:4, 31:3 risk [1] - 35:15 rliebenberg@finekaplan.com [1] - 1:17 RMR [2] - 5:18, 60:14 roadblocks [2] - 39:10, 39:15 ROBERTA [1] - 1:14 Roberts [1] - 32:17 RODA [1] - 2:4 role [1] - 46:19 rolling [9] - 7:13, 8:12, 8:14, 11:11, 11:18, 12:24, 13:1, 13:11, 16:17 ROSATI [1] - 2:14 roughly [1] - 9:1 round [2] - 15:3, 15:8 RUFE [1] - 1:10</p>	<p>rule [4] - 36:12, 52:9, 52:10, 54:1 Rule [1] - 38:20 Rules [1] - 38:20 ruling [2] - 16:21, 28:21 sad [2] - 20:1, 53:2 safe [2] - 27:23, 28:2 sake [1] - 54:6 sales [2] - 14:24, 58:1 SANDERS [1] - 3:3 Sandoz [1] - 57:14 Sarah [1] - 16:4 SARAH [1] - 2:19 satisfied [1] - 48:2 save [1] - 23:2 saw [2] - 35:18, 57:17 schedule [2] - 18:18, 34:2 scheduled [2] - 15:2, 58:7 schedules [1] - 18:5 scheduling [3] - 18:19, 18:23, 44:16 SCHNADER [1] - 4:18 scope [9] - 14:23, 15:1, 16:12, 16:20, 16:22, 38:19, 48:20, 54:21, 58:6 screen [1] - 59:25 SDNY [1] - 33:2 search [1] - 16:20 second [2] - 8:15, 35:21 Second [1] - 44:6 Section [1] - 11:9 see [14] - 17:8, 17:21, 21:5, 22:6, 23:10, 24:12, 24:21, 28:6, 30:13, 30:14, 36:13, 52:6, 55:1, 60:4 seek [2] - 11:16, 14:25 seeking [3] - 38:13, 39:5, 55:23 seem [3] - 18:15, 29:18, 41:1 SEGAL [1] - 4:18 select [4] - 25:10, 31:9, 33:13, 53:12 selected [7] - 26:15, 31:24, 33:6, 40:13, 40:25, 45:14, 55:11 selecting [1] - 25:8 selection [3] - 36:22, 38:15, 39:16 sense [1] - 10:20 sent [2] - 24:9, 27:6 separate [2] - 46:17, 59:6 September [12] - 9:14, 12:18, 12:19, 12:20, 12:23, 18:13, 18:16, 19:4, 19:13, 53:25 series [2] - 7:13, 31:11 service [1] - 7:13 set [2] - 32:2, 38:16 setting [1] - 11:18 settlement [1] - 22:14</p>	<p>several [2] - 17:2, 49:15 shape [1] - 39:16 shared [1] - 10:17 Sharon [1] - 30:11 SHERON [1] - 3:9 shorten [1] - 59:1 show [1] - 13:21 side [4] - 13:21, 29:20, 30:9, 34:16 significant [5] - 34:24, 35:4, 44:1, 45:13 similarly [1] - 33:11 simplifying [1] - 51:14 simply [2] - 41:8, 47:17 sincere [1] - 10:9 single [3] - 29:17, 30:19, 40:24 sits [1] - 30:5 sitting [1] - 56:17 situation [2] - 35:24, 41:10 six [4] - 9:18, 15:5, 20:3, 49:17 skirkpatrick@wc.com [1] - 2:21 skorpus@kasowitz.com [1] - 3:11 Smith [3] - 51:12, 51:15, 54:12 SOLUTIONS [1] - 5:3 someday [1] - 28:6 someone [1] - 37:1 sometimes [2] - 46:17, 59:16 somewhere [1] - 13:25 SONSINI [1] - 2:14 soon [1] - 21:7 sooner [1] - 53:18 sorry [5] - 16:3, 21:3, 24:2, 35:7, 60:1 sought [2] - 26:3, 39:18 sounds [1] - 42:13 South [1] - 1:15 south [2] - 18:7, 47:7 Southern [1] - 32:24 speaking [4] - 6:13, 17:16, 25:2, 43:19 special [9] - 11:23, 20:10, 30:12, 36:11, 39:7, 43:23, 44:17, 45:19, 53:10 SPECIAL [12] - 4:13, 4:18, 5:3, 12:6, 12:9, 14:7, 14:14, 57:11, 57:21, 57:24, 58:14, 59:12 Special [11] - 15:1, 25:9, 26:3, 28:21, 30:17, 39:12, 45:16, 46:7, 55:11, 57:8, 58:12 specific [1] - 29:17 specifically [3] - 42:23, 48:11, 53:17</p>
--	--	--	--

<p>specifics ^[1] - 14:10</p> <p>speeded ^[1] - 13:13</p> <p>spend ^[1] - 21:19</p> <p>spoken ^[1] - 31:2</p> <p>Square ^[1] - 3:4</p> <p>Squares ^[1] - 30:12</p> <p>stages ^[1] - 6:21</p> <p>stand ^[1] - 23:15</p> <p>standard ^[1] - 27:11</p> <p>standpoint ^[1] - 11:16</p> <p>start ^[3] - 6:2, 30:15, 57:8</p> <p>started ^[1] - 52:8</p> <p>starting ^[1] - 6:4</p> <p>State ^[5] - 16:9, 25:17, 25:19, 28:9, 28:10</p> <p>state ^[2] - 27:22, 39:4</p> <p>STATE ^[2] - 1:16, 1:20</p> <p>statement ^[1] - 40:9</p> <p>States ^[11] - 15:5, 26:19, 27:4, 29:21, 29:24, 44:12, 49:11, 50:20, 51:19, 56:11, 58:17</p> <p>STATES ^[3] - 1:1, 4:8, 4:8</p> <p>States' ^[11] - 16:14, 26:15, 46:1, 46:8, 48:12, 49:14, 51:1, 52:1, 55:12, 55:25, 56:14</p> <p>status ^[7] - 6:4, 6:10, 6:14, 16:24, 18:3, 18:12, 58:4</p> <p>STATUS ^[1] - 1:5</p> <p>statutes ^[1] - 55:3</p> <p>stay ^[14] - 26:20, 29:16, 36:13, 36:16, 36:19, 36:22, 38:12, 38:14, 39:5, 39:6, 39:17, 40:12, 43:4, 56:21</p> <p>stayed ^[1] - 46:3</p> <p>stenographer's ^[1] - 6:3</p> <p>stenographically ^[1] - 5:21</p> <p>step ^[1] - 6:21</p> <p>steps ^[1] - 15:17</p> <p>Steve ^[3] - 37:4, 38:10, 42:9</p> <p>STEVEN ^[1] - 4:3</p> <p>steven.reed@morganlewis.com ^[1] - 4:5</p> <p>stick ^[1] - 53:3</p> <p>still ^[8] - 11:24, 15:17, 20:25, 29:5, 54:8, 55:3, 58:21, 58:23</p> <p>stipulation ^[3] - 7:3, 10:8, 12:2</p> <p>stop ^[2] - 53:21</p> <p>stops ^[1] - 20:22</p> <p>strategies ^[1] - 22:8</p> <p>Street ^[10] - 1:15, 1:21, 2:4, 2:20, 3:22, 4:4, 4:9, 4:15, 4:19, 5:4</p> <p>Streets ^[1] - 3:5</p> <p>strenuous ^[1] - 18:22</p> <p>strenuously ^[1] - 27:10</p>	<p>stronger ^[1] - 42:5</p> <p>subject ^[3] - 41:22, 51:11, 51:17</p> <p>submit ^[4] - 12:4, 31:21, 39:1, 43:9</p> <p>submitted ^[2] - 7:2, 35:23</p> <p>subsequent ^[1] - 8:21</p> <p>substitute ^[1] - 51:7</p> <p>subtracted ^[1] - 41:18</p> <p>successful ^[2] - 6:22, 27:17</p> <p>suggest ^[3] - 19:8, 33:18, 59:10</p> <p>suggesting ^[1] - 43:4</p> <p>suggestion ^[2] - 19:14, 59:6</p> <p>suitability ^[1] - 40:21</p> <p>Suite ^[7] - 1:16, 2:5, 2:10, 3:23, 4:9, 4:20, 5:5</p> <p>summarize ^[1] - 11:5</p> <p>summary ^[4] - 27:5, 30:23, 34:3, 46:5</p> <p>summer ^[1] - 18:6</p> <p>superseded ^[1] - 12:13</p> <p>supervision ^[1] - 11:24</p> <p>supposed ^[1] - 10:5</p> <p>surprised ^[1] - 52:20</p> <p>Surrick ^[4] - 36:2, 37:13, 37:24, 38:5</p> <p>suspect ^[1] - 55:2</p> <p>swift ^[1] - 48:3</p> <p>switch ^[1] - 30:9</p> <p>system ^[3] - 17:20, 21:7, 47:12</p> <p>Taper ^[1] - 32:25</p> <p>target ^[3] - 14:1, 21:19, 53:11</p> <p>TARTER ^[1] - 3:17</p> <p>technology ^[1] - 28:5</p> <p>telephone ^[6] - 4:6, 4:11, 17:18, 37:1, 40:1, 40:2</p> <p>ten ^[3] - 9:1, 20:17, 53:1</p> <p>terminus ^[2] - 55:25, 56:14</p> <p>terms ^[5] - 16:20, 39:10, 44:13, 50:13, 55:22</p> <p>testify ^[1] - 42:1</p> <p>Teva ^[15] - 26:15, 26:20, 28:22, 29:2, 32:4, 32:8, 33:24, 44:7, 46:8, 55:12, 55:25, 56:5, 56:6, 56:10, 56:14</p> <p>Teva-centric ^[4] - 32:4, 32:8, 44:7, 56:6</p> <p>The Court ^[103] - 6:2, 6:17, 6:25, 7:3, 7:4, 7:20, 9:10, 9:12, 9:16, 10:1, 10:10, 10:15, 11:2, 12:4, 12:8, 13:19, 14:6, 14:10, 14:17, 15:18, 15:20, 15:21, 16:2, 16:5, 16:24, 17:5, 17:12, 17:14, 17:18, 17:24, 19:5, 19:10, 19:14, 21:22, 23:1, 23:5, 23:12, 23:23, 23:25,</p>	<p>24:4, 25:6, 27:25, 29:8, 29:12, 30:8, 30:14, 30:25, 31:8, 31:9, 31:10, 31:19, 32:12, 32:18, 34:15, 35:6, 35:8, 35:20, 35:24, 36:24, 37:5, 37:15, 38:3, 38:9, 39:4, 40:5, 40:14, 40:17, 42:8, 42:11, 43:4, 43:13, 43:16, 44:5, 45:1, 46:11, 46:17, 49:3, 49:8, 50:6, 50:15, 50:24, 51:5, 51:13, 52:5, 52:14, 53:7, 54:22, 55:8, 55:15, 56:19, 56:22, 56:23, 57:1, 57:4, 57:13, 57:16, 57:23, 58:11, 59:5, 59:9, 59:13, 59:24, 60:3</p> <p>themselves ^[1] - 51:23</p> <p>thereafter ^[1] - 13:16</p> <p>therefore ^[2] - 26:6, 41:25</p> <p>thereto ^[1] - 13:12</p> <p>thinking ^[3] - 18:8, 29:25, 36:25</p> <p>thinks ^[1] - 17:24</p> <p>Third ^[3] - 23:10, 51:1, 52:1</p> <p>third ^[2] - 8:25, 50:21</p> <p>THOMAS ^[1] - 4:8</p> <p>thomas.dematteo@usdoj.gov ^[1] - 4:11</p> <p>thorny ^[1] - 59:17</p> <p>three ^[9] - 8:6, 11:25, 18:17, 31:23, 34:5, 34:6, 34:7, 34:10, 34:11</p> <p>tier ^[2] - 12:22, 13:7</p> <p>timetable ^[1] - 51:21</p> <p>timing ^[5] - 10:21, 14:23, 15:13, 16:13, 45:17</p> <p>tired ^[1] - 53:22</p> <p>today ^[4] - 13:10, 22:6, 28:4, 48:8</p> <p>together ^[3] - 34:7, 34:10, 48:6</p> <p>Tom ^[1] - 40:3</p> <p>tomorrow ^[3] - 15:2, 20:12, 58:2</p> <p>took ^[1] - 47:1</p> <p>tooth ^[1] - 52:19</p> <p>top ^[1] - 49:15</p> <p>topic ^[1] - 17:7</p> <p>topics ^[1] - 11:25</p> <p>TORRES ^[1] - 3:8</p> <p>touch ^[1] - 14:21</p> <p>track ^[1] - 14:16</p> <p>tracks ^[1] - 59:6</p> <p>transaction ^[1] - 14:24</p> <p>transactional ^[1] - 58:1</p> <p>transcript ^[1] - 60:10</p> <p>transcription ^[1] - 5:22</p> <p>transfer ^[2] - 27:7, 32:14</p> <p>transferred ^[1] - 23:9</p> <p>transmission ^[1] - 27:22</p>	<p>transportation ^[1] - 20:16</p> <p>treatment ^[1] - 33:13</p> <p>trial ^[13] - 21:7, 25:18, 26:20, 27:2, 27:8, 27:19, 28:11, 30:4, 30:5, 30:6, 32:11, 33:14, 34:11</p> <p>trials ^[7] - 21:16, 22:3, 22:13, 25:8, 25:10, 34:4, 39:16</p> <p>tried ^[7] - 21:13, 22:3, 28:25, 29:5, 29:6, 30:3</p> <p>tries ^[1] - 28:25</p> <p>TROUTMAN ^[1] - 3:3</p> <p>truly ^[2] - 23:4, 53:13</p> <p>try ^[16] - 6:20, 9:13, 10:24, 21:2, 21:12, 21:22, 27:23, 28:2, 30:21, 34:7, 34:13, 35:12, 46:22, 47:6, 47:13, 47:22</p> <p>trying ^[5] - 21:1, 21:2, 35:11, 35:15, 59:1</p> <p>turned ^[1] - 10:8</p> <p>turning ^[1] - 9:8</p> <p>turnoff ^[1] - 20:24</p> <p>turns ^[1] - 30:7</p> <p>Twelfth ^[1] - 2:20</p> <p>two ^[12] - 8:10, 11:13, 11:18, 13:10, 18:17, 21:16, 26:4, 27:18, 34:6, 52:15, 56:23, 58:14</p> <p>Two ^[1] - 3:4</p> <p>type ^[2] - 53:11, 54:17</p> <p>types ^[2] - 26:4, 39:11</p> <p>U.S ^[1] - 1:7</p> <p>ultimately ^[2] - 26:3, 28:25</p> <p>unaffected ^[2] - 40:12, 46:8</p> <p>uncertain ^[1] - 6:17</p> <p>uncertainty ^[1] - 42:7</p> <p>unchanged ^[1] - 55:14</p> <p>under ^[8] - 7:20, 7:22, 11:9, 11:24, 13:5, 14:2, 34:25, 48:3</p> <p>understood ^[5] - 26:9, 49:2, 49:10, 49:12, 52:14</p> <p>unduly ^[1] - 9:3</p> <p>unforeseen ^[1] - 23:22</p> <p>unique ^[1] - 43:10</p> <p>UNITED ^[3] - 1:1, 4:8, 4:8</p> <p>universe ^[2] - 49:19, 50:1</p> <p>unknown ^[1] - 43:14</p> <p>unless ^[4] - 22:15, 36:17, 44:3, 44:17</p> <p>unmute ^[2] - 43:20, 59:20</p> <p>unofficial ^[1] - 39:17</p> <p>unreasonable ^[1] - 44:18</p> <p>unsuitable ^[1] - 38:22</p> <p>unusual ^[2] - 32:21, 43:1</p> <p>up ^[21] - 10:14, 13:13, 17:2, 17:20, 18:17, 19:15, 20:20, 21:5, 26:9, 30:4, 30:23, 34:17, 35:22, 36:25, 37:15,</p>
--	---	---	--

<p>39:8, 44:22, 46:6, 52:21, 54:16, 54:22 upcoming [1] - 55:10 update [1] - 15:18 updated [3] - 9:13, 52:25 US [1] - 33:1 USA [1] - 4:4 USSC [1] - 47:5 utilizing [1] - 5:21 vacate [1] - 7:7 vaccine [1] - 20:4 various [1] - 38:25 vehicle [1] - 52:23 Via [1] - 1:8 via [2] - 4:6, 4:11 viable [1] - 31:21 video [2] - 17:20, 53:22 videoconference [1] - 1:8 view [2] - 25:5, 35:11 views [1] - 32:19 vigorously [1] - 39:18 volume [1] - 37:15 wait [1] - 32:12 waiting [1] - 20:3 waive [6] - 26:19, 27:1, 27:3, 31:3, 31:7, 47:20 waiver [1] - 33:15 waiving [1] - 47:21 wants [1] - 30:10 Washington [3] - 2:20, 4:10, 5:5 ways [3] - 10:17, 26:17, 28:18 wblechman@knpa.com [1] - 2:12 Wednesday [1] - 58:8 week [2] - 19:25, 20:17 weekly [1] - 16:11 weeks [2] - 9:18, 17:2 welcome [1] - 40:16 welcoming [1] - 37:5 whereas [2] - 35:2, 46:7 whereby [1] - 13:14 whichever [2] - 30:7, 33:23 WHITE [1] - 4:13 WILLIAM [1] - 2:9 WILLIAMS [2] - 2:19, 4:13 willing [6] - 27:6, 27:20, 30:20, 31:6, 47:3, 54:10 WILSON [1] - 2:14 winter [1] - 15:12 wise [1] - 34:20 wish [2] - 23:1, 45:2 withheld [1] - 7:15 witnesses [8] - 27:12, 28:14, 41:12, 41:13, 41:17, 42:1, 45:10 wondering [1] - 10:5 workable [1] - 9:7</p>	<p>world [1] - 53:4 worried [1] - 39:8 worry [1] - 21:18 wrongdoing [2] - 41:1, 42:16 XIA [1] - 3:18 year [2] - 20:3, 27:21 years [4] - 36:16, 46:7, 52:15, 53:1 yesterday [1] - 35:25 York [9] - 2:16, 3:10, 3:14, 3:19, 32:24 yourselves [1] - 18:10 Zimmer [1] - 32:25</p>
--	--